

## The Solicitors' Journal.

LONDON, JUNE 28, 1862.

THE CONTESTS FOR THE VACANT CORONERSHIPS of the Western and Central Districts of the County of Middlesex are still being carried on with the utmost vigour and spirit, and the importance of the issue raised between the legal and medical professions is becoming every day more generally recognised by the public. The candidates themselves have, on both sides, acknowledged, and, indeed, asserted, upon every occasion upon which they have come before the public, that they regard the question thus raised as the real one to be decided by the freeholders. There is little doubt that outside the influence of the medical profession, public opinion preponderates greatly in favour of what is plainly the common-sense view of the matter—namely, that a lawyer is most fitted to conduct such investigations as come before a coroner, and that where medical knowledge might be required, it would best be supplied in the shape of testimony to go before the jury. It must not be forgotten, however, that the number of electors is not very great, and that they are, for the most part, of a class who would not be unlikely to be influenced in such a matter by the private appeals of their medical advisers, who, of course, are nearly all ranged on the side of their own professional candidates. At least, however the doctors may proceed to influence voters in private, there is no disguise about the general and efficient support which the medical candidates receive from physicians and surgeons in the metropolis. They have taken up the cause of their own, as against the legal profession, with remarkable unanimity. On the other hand, the lawyers have had no organization whatever. Only one important law society has yet spoken out upon the subject, and a legal journal has gone the length of advocating the pretensions of the medical candidates, after the issue had been distinctly raised between the two professions. It would, therefore, have been by no means surprising if, under circumstances like these, the legal candidates were to fight a losing battle even in the face of public opinion, and notwithstanding personal qualifications of the highest character. If the event should prove to be so in any case the lawyers of the metropolis will certainly deserve little sympathy in respect of a defeat which is owing to themselves. Neither will they be likely to receive many thanks or much gratitude from their provincial brethren, whose interests they will thus have permanently damaged, as there can be no doubt whatever that the medical movement, if successful in Middlesex, will be repeated throughout the provincial counties as vacancies occur. It is not too late, however, for the London lawyers to do something to help their own candidates, as the election will not take place before another week elapses, and a good deal may be done by friendly co-operation in the meantime. It cannot be pretended that in fact no serious issue has been raised between the two professions as to the qualifications of its respective members for the office of coroner. The elections have presented the question to the public in unmistakeably definite and positive terms, and it has been discussed on both sides with an earnestness and constancy which show that it is the main point upon which the elections will turn. Neither can it be said that the legal candidates are such as the legal profession might not consider worthy to be its representatives in such a contest. If this were so the lawyers would be bound, under such circumstances, to put forward men about whom there could be no question whatever. But in truth it is admitted, upon all hands, that the legal profession has been fortunate in having its battle fought by men of undeniable qualifications, and of a character

to which even their opponents yield the tribute of entire respect. Nobody can say a word as to either the ability or the general fitness of any of the legal candidates. The three who are likely to go to the poll, Mr. C. E. Lewis, Mr. Cameron, and Mr. James Bird, are all men of great experience and of good position in the profession. Mr. C. E. Lewis has for years back been recognized generally as eminently qualified, not less by his experience as a lawyer and his ability as an advocate, than by his well-known energy of character for the discharge of public duties. If Mr. Cameron had been first in the field the legal profession need not have hesitated to accept him as its champion. Mr. James Bird is generally regarded as the probable winner for the Western District, and should the general anticipation prove correct the lawyers need not be ashamed of the result. We are informed that the actual promises made to Mr. Lewis's committee leaves little room for doubt that he will be elected. But it is highly desirable that in both districts there should be only one legal candidate, so that the fair decision of the question at issue may not be embarrassed by a contest amongst the lawyers themselves.

THE SUPREME COURT OF NEW YORK has at length been called upon to consider the case of Mr. Edwin James as a member of the New York Bar. Upon the matter being opened Judge Ingraham, who presided, said, "the Court are divided in opinion. My own opinion and that of Justice Clarke is in favour of postponing the further consideration of the matter until the next term, with the view of enabling the Committee of the Law Institute to produce such evidence as they might see fit to offer; and if no evidence was then submitted that no further proceedings would be held to be necessary. The other two judges who differ from us in regard to postponing further action till the next term (Justices Leonard and Barnard) are of opinion that, inasmuch as the answer of Mr. James denies the statement made to the Court, no further action is necessary, and that the proceedings should be dismissed. As, therefore, there is an equal division among the judges present, Judge Sutherland being absent and not being within reach so as to be consulted, no further order will be made in the matter."

While Mr. James is thus puzzling the authorities in America as to his forensic status, we believe the same subject is not yet removed from the consideration of the highest legal functionaries of this country. He is still one of her Britannic Majesty's counsel learned in the law (or council, for there appears to be some doubt which is the proper word); and there is said to be a question as to whether he can be, or at all events how he may be, removed from this position. It is suggested that the patent is absolute, the appointment being not during good behaviour, but for life. We are not aware whether there is any precedent for the cancellation of such a patent, or whether in fact the suggestion which we have mentioned is the cause of the delay which has occurred, and of the consequent anomaly of a man remaining a Q.C. after he has ceased to be a member of the bar by the process of disbarment.

THE SITTINGS OF THE COURTS OF EQUITY for after Trinity Term commenced on Tuesday. The cause list shows an entry of nine appeals and five causes before the Lord Chancellor and the Lords Justices; 117 causes, &c., before the Master of the Rolls; 43 causes, &c., before Vice-Chancellor Sir R. T. Kindersley; 57 causes, &c., before Vice-Chancellor Sir J. Stuart; and 163 causes before Vice-Chancellor Sir W. P. Wood.

JOHN LOMAS CUFARDE, Great Yarmouth, Norfolk, has been appointed a Commissioner to administer Oaths in the High Court of Chancery.

THE HON. J. STANFIELD MACDONALD has been appointed Premier and Attorney-General of Canada, West. The Hon. L. V. Sicotte has been appointed

Attorney-General of Canada, East. The Hon. Adam Wilson has been appointed Solicitor-General of Canada, West; and the Hon. J. Abbott has been appointed Solicitor-General of Canada, East.

#### THE FRAUDULENT TRUSTEE ACT.

We resume the consideration of this Act for the purpose of inquiring what are its further provisions as re-enacted by the 24 & 25 Vict. c. 96. The sections 75, 76, and 77, may be said merely to re-enact, or perhaps establish on a firmer basis, the previous statutes of 7 & 8 Geo. 4, c. 29, and 9 Geo. 4, c. 55. With respect to these sections it has been urged that the words "*for the use or benefit of any person other than the person by whom he was intrusted*," there made use of, would very much extend the operation of the Act, so as, in the case of a banker, seriously to interfere with his business. But, in fact, to render a banker guilty of a fraudulent conversion of property under the above sections, three things are necessary. First, the act must be done in violation of good faith; secondly, contrary to the direction of the party intrusting; and thirdly, either to the use of the banker himself, or of some one else other than the party so intrusting him. So that in no case can the banker, where he follows the directions of the party intrusting him, be held to come within the purview of these sections: Greav. Edn. Crim. St. p. 126.

We may remark that sections 81 to 85 both inclusive (the clauses relating to directors, members, managers, or public officers of any body corporate or public company) are new, and were introduced for the purpose of supplying what was felt to be a great and unanimously acknowledged defect in our system of jurisprudence. Owing no doubt to the commercial prosperity and the gradual increase of trade throughout the country, public companies were every day becoming more numerous. This large increase of public bodies fostered or perhaps added to the introduction of *bubble companies*, who made use of fictitious names, and the fraudulent publication of accounts for the purpose of getting additional shareholders. By such means a general feeling of insecurity sprang up in the public mind, and a natural anxiety for some alteration in the law.

The circumstances which gave rise to the trustee clause, sect. 80, were somewhat different, as the thankless office of trustee is invariably one of great responsibility, and in no case can a trustee receive any remuneration for the services he may have rendered in discharging the often times arduous duties of his trust. This difference was felt to be so great, that, as a sort of safe-guard, it was considered desirable that a clause should be introduced into sect. 80, to the effect that no prosecution should be commenced against *any trustee* without the sanction of the law officers of the Crown; for that section enacts, "that whosoever being a trustee of any property for the use or benefit, either wholly or partially of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert, or appropriate the same, or any part thereof, to his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, shall be guilty of a misdemeanour." And in the same section it was enacted, as we have just said, that no proceeding or prosecution should be commenced without the sanction of Her Majesty's Attorney or Solicitor-General, and where any civil proceeding should have been taken against any trustee, no prosecution should be commenced without the sanction of the Court and judge before whom such civil proceeding should be pending.

A trustee in the interpretation clause must be a trustee on some express trust created by some deed, will, or instrument in writing, and the term is also there used to include the heir and personal representative of any such trustee, and any other person upon or to whom

the duty of such trust should have devolved, as also executors and administrators, and official managers, assignees, liquidators, or other like officers, acting under the present or any future Act relating to joint stock companies, bankruptcy, or insolvency. No doubt the words here used are very large, but at the same time the words "*express trust, created by deed, will, or instrument in writing*," seem to point only to those trusts which are created by the act of the parties themselves; so they would hardly be considered to include "*implied*" or "*constructive*" trusts, which may arise by act or construction of law. The definition of an "*implied trust*" is said to be one which is deducible from the nature of the transaction, as matter of clear intention, or else one which is superinduced upon the transaction by the operation of law, as a matter of equity, independent of the particular intention of the parties: Stor. Eq. Jur. 223.

The Courts, however, apparently do not intend to narrow the construction and meaning of the term "trustee," if we may judge by the recent decision of the full Court of Criminal Appeal in the *Bilston Savings Bank case*, where the prisoner, who was the *manager and secretary* of the savings bank, was held to be a "trustee" within the meaning of this enactment, upon the ground that the written rules of the savings bank were an "instrument in writing," although the rules themselves did not create or in any way specifically allude or point to the prisoner as a trustee.

#### CONSOLIDATION OF THE LAW OF COPYRIGHT.

No. I.

(By EDWARD LLOYD, Esq., Barrister-at-Law.)

Since consolidation is on all hands admitted to be the only method by which, as an intermediate step, we may ultimately succeed in forming a code of living law, unincumbered by the dead matter which now forms so considerable a portion of the statutes at large, it is somewhat surprising that every measure of current legislation should not be so framed as to fit at once into its proper place, in that perfect code of the laws of England which has for so many years been promised to the nation by every successive law-reformer. One would think that there could hardly be a more favourable opportunity than the present, of following out to some extent at least this plan for a gradual codification of the various heads of statute law, in the case of the law of patent and copyright. Very recently a royal commission has been granted to investigate the whole subject of patent-law, while its cognate branches—the law of trade marks and of artists' copyright—are actually under consideration by the Legislature.

What I would suggest, therefore, is the collection under one head of this whole class of statutes. The law of patent-right being the first and most important division of the group; after that the law of copyright, subdivided into literary copyright and copyright in works of art, pictorial and plastic; this might well be followed by the law of copyright in designs, consolidated into a single statute, and the series would be completed by the law of trade and merchandise marks. Of course nothing can be done for the present with the first of these heads of law—for that we must wait till the proposed commission has examined and made their report, a *post-future* perhaps too distant to contemplate; but surely it would not be difficult, before the Artist's Copyright Bill passes into law, to try and reduce the whole question of copyright in works of art into such a shape, as ultimately to combine aptly in a single chapter with those other branches of the law of inventions which have just been enumerated. Nor is some such scheme as I have proposed without reason, arising from the nature of the property which is the subject of legislation, the mode in which it is to be enjoyed, and the manner in which its enjoyment is to be protected. The right of an original inventor, whether he has applied

his talents to the cultivation of mechanical science, or to one or other of the various branches of imitative art, while it has always existed in the unpublished work by virtue of the common law, becomes, directly the product of invention is, in the technical sense of the word, published, the creature of that particular statute which has been passed to protect it. All these statutes, then, and the species of property which is founded upon them, have a common origin, and that is the tacit compact between society and its members severally, that there should be a certain premium given to each original inventor for the encouragement of individual skill and learning, that premium consisting in the exclusive enjoyment for a given time of the profits arising from his invention, on the condition that this period having elapsed, the full and complete benefit of it should at once accrue to the public. And this leads us to another feature which must be common to all such enactments,—the means by which the mutual rights of the inventor and the public are to be secured. This of course can only be done by means of some general index or register, which shall contain a drawing, model, or description sufficient to identify the object the right of invention in which is to be protected, while to render that right complete each object bears impressed upon it evidence of the fact that it has been so registered, and is therefore protected from imitation. On the other hand the registration is of such a character, that at the expiration of the term for which the private right is to be enjoyed, the invention becomes at once the property of and accessible to the public. Again, it will hardly be disputed that the same species of remedy may fairly be applied in all cases to protect this property from injury. It may be more or less stringent according as the injury is, or is not aggravated by a fraudulent intent, but slight variations of this sort can form no reason for not classing under one general head all the statutes relating to this subject, and framing them on what is substantially the same model. Under these circumstances I cannot but think that instead of adding another statute to the already existing law of copyright in works of art, it would be simpler as well as more just to repeal the old law *ab initio*, and let us have a single statute which shall comprehend all species of works of art. More just it would certainly be, for if the present law is adequate to protect engravings, prints, &c., it would be a matter of a few words to extend its operation to "paintings, drawings, and photographs," which the present Bill is framed to protect; if on the other hand it is thought advisable to make the protection more stringent than it has hitherto been, on what principle are paintings, drawings, and photographs to be better protected as property than engravings and prints? And again, why should sculpture and models form a third class, treated of by a separate series of statutes, rather than that art, in each branch of its application, should enjoy, as it throughout all deserves, equal and uniform rights, to be protected by remedies equal and uniform? Before proceeding however to criticise the proposed measure for amending the law, we must consider what it now is, taking it as well from cases decided as from the statutes now in force. I propose, therefore, to take a brief survey of the origin and progress of the statute law, as it affects in the first place engravings and prints, under which head are also included maps and charts, and in the second place sculptures and models of all sorts; we shall then be prepared to review the not very numerous cases which have been decided on the different provisions of those statutes, and having thus obtained a clear and comprehensive notion of the law, we shall be the better able to consider its relation to the Bill now before the House of Lords, and to determine whether it would not be possible to consolidate the old law and the proposed measure in one general enactment, whether that should rest, for all works of art, upon its old footing, or be framed in accordance with the provisions of the Bill now under consideration.

The first of the five statutes by which property in engravings and prints is constituted, and its enjoyment regulated, is the statute 8 Geo. 2, c. 13. By it, every person who should "invent and design, engrave, etch, or work in mezzotinto, or chiaro oscuro, or, from his own works and invention, cause to be designed and engraved, etched, or worked, any historical or other print or prints," was to have the exclusive right of reproducing such prints for fourteen years from the date of publication, which date, with the name of the proprietor, was to be printed on each impression. The penalty imposed on any person pirating such a print, in whole or in part, was forfeiture of the plate on which the copy was made, and a fine of five shillings for every copy "printed and exposed to sale or otherwise disposed of," and of this fine half was to go to the King, and the other half to the person suing for the penalty. The Act also contained a clause in favour of the purchaser of a plate from the original proprietor, clauses for the limitation of actions, and others not material to be considered.

Such was the very imperfect basis of property in engravings, and such it remained until the statute 7 Geo. 3, c. 38, by which its operation was materially enlarged. In the first place, the subject of the property was extended from being only an "historical or other print," to "any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever;" and in the next place it was defined to exist not merely in an original design, or in an engraving taken from an original work, but further in "any print taken from any picture, drawing, model, or sculpture, either ancient or modern, in like manner as if such print had been graved or drawn from the original design" of the person whom it will be convenient to call the "proprietor" of the print. For this term proprietor does, as it seems to me by the words of the statute, include not only the person who invents and engraves an original, but also one who procures an engraving to be made from his own invention, and again, further, one who procures a print or engraving to be made from any ancient or modern work of art. The term of proprietorship, moreover, was extended to a period of twenty-eight years, while the only alteration in the remedy given by the statute was a provision for giving full costs to a successful plaintiff, and the extension of the period for bringing an action for the penalty from three months to six.

The only alteration in the then state of the law made by the statute 17 Geo. 3, c. 57, was in respect of the remedy given against piracies, which might, under this Act, be by special action on the case for damages, together with double costs of the suit; no time, however, is limited for the commencing of such an action. We come now to the fourth in this series of Acts—the statute 6 & 7 Will. 4, c. 59, the only object of which was to extend the provisions of the last Act, and of the preceding Acts in their operation to Ireland. The last of the series is the statute 15 & 16 Vict. c. 12, the 14th and last section of which, after referring to the former Acts, proceeds to declare that their provisions are intended to include "prints taken by lithography or any other mechanical process," for the multiplication of copies of drawings or designs.

QUEEN'S COUNSEL.—The Royal patent creates the favoured individual "one of Her Majesty's Council learned in the law." The distinction is not necessarily forensic. Mr. Edwin James, who was disbarred last year, continued still to be "one of Her Majesty's Council learned in the law." The spelling in the patent is not erroneous, as some have supposed. What is wrong is the common spelling of the newspapers. The truth is, that the body called Queen's Counsel are the remains of the ancient *concilium legale*. The uniform spelling in patents is council; never counsel.



## REGISTRATION OF TITLE.

It seems more than probable that the Lord Chancellor's Bill will get through Parliament in some shape, and that the principle of a general registration of title will be introduced for optional adoption by landowners. We do not disguise our opinion that there is no magic in registration; nor, further, that unless there be some magic in it, it will not effect what its advocates expect. If it was declared to effect a guarantee against any claim which was not revealed, it would certainly be of manifest advantage to the registered owner, but at the expense of other men's interests. The measure of that advantage would be the amount of their loss; if it did not propose to guarantee the registered owner against unrevealed claims, it would be the public indexing of a title, without any advantage which is not to be had, under the present system, by the mere lapse of time. However, we are not disposed to attach much value to our own opinions upon this question, seeing that law reformers, ever since Lord Bacon's time, have inclined to the plan of public registration, either of title only, or of title and of assurances, as the principle of any system which they have propounded in remedy of the growing burdens of complication and verbosity in conveyancing. Nearly all these reformers have admitted the impossibility of imposing an obligatory system, and, in consequence, it has always been necessary, in the various schemes propounded, to leave to landowners the discretion of continuing to use the old-fashioned system of conveyancing, and to provide for the recording upon the register, either at full length or by memorial, of an exact contemporaneous statement of anything which the parties concerned might do with, or which affected, the title. The plan of registering deeds at full length seems never to have been popular; for it appears to be insensible to adopt as an improvement upon the present system any scheme which would certainly very much increase conveyancing expenses, by necessitating two complete and formal copies instead of the one instrument which is alone necessary under the present system. If the other alternative is adopted, and if, in lieu of a duplicate *in verbis*, a memorial or concise statement is proposed, it evidently becomes necessary to create a registrar with intellectual capacity to understand, to analyse, and to define, and who would excel in power of apprehension and expression all those professional persons who have only the power of expressing their meaning by the use of explicit language; and because such a registrar would have to give a concise judicial meaning to every provision in every instrument which might be drawn upon the old-fashioned principle of stating fully what the parties to it meant and intended to effect, it has been found necessary in the schemes of registration of the description to which we are now referring, either to make the registrar a judge, or—as Lord Westbury has done in the Bill which is now in the House of Commons—to give him an absolute discretion to refer any case to a judge, whenever either the registrar himself or any of the parties consider that the business is so much more than ministerial in character that it is beyond the safe and reasonable capacity of the registrar to deal with it.

If the Register of Title is to be a self-sufficient and complete statement of ownership, with such a sanction that a purchaser can buy an indefeasible interest by taking a transfer from a registered owner, who is restrained by no caveats or marginal notices, it seems to us that landowners must change their nature and their habits—they must prefer publicity and litigation to privacy and the peace of common sense; they must be brought to believe that it is clearly wiser and more profitable for them to call in the interference of a public tribunal, than to manage their own property by private arrangements with those who deal with them concerning it; they must determine that public officers

will be thoroughly skilful, always ready and punctual, possessed of such learning and evident judgment, that every person interested in any transaction, however minute or however considerable in importance, will always submit and never appeal. The points arising upon investigations before the registrar must, in the opinion of landowners, be always, or, at least, generally, of such consideration as to justify the employment of counsel of eminence and proportionate cost to argue the tribunal on to definition and determination; for a judicial mind cannot always ignore or compromise a doubt by enforcing an arrangement which sensible men, acting privately and independently, would at once adopt. In those cases in which the solemn and expensive judgment of a public tribunal is needed, it seems sufficient and sensible to accept the present system of going into the Court of Chancery on suits for specific performance. In those suits the parties ascertain the exact points and questions out of Court for themselves, and when they ultimately litigate, they are disciplined in their public action by the rules of pleading and the necessity of a definite issue either of law or fact, or both; but is it probable that any system will work in which everyone interested in an estate goes into court without any definite case to prove? Some of them are ignorant of their exact interests (for those uncertainties are the very cause of their going into court at all), and therefore all must be suspicious and astute to conceal their own weaknesses and to discover those of their co-owners. Every separate interest, however trivial or remote, must be separately investigated and defined, both as to its own intrinsic state, and also as to its extrinsic relation to every other interest; and although up to this time a man could sell a reversionary estate, or interest in real estate in settlement, without requiring or offering, upon such sale, the interference, and the definition of the exact interest, of every other co-owner in the same property, or the presence of every owner of any interest in any adjoining property, yet if the same thing is done by a public tribunal, which, by its action in the matter, is to give any sanction to the title passed, everyone affected or possibly affected must be present; because it would be obviously wrong that one co-owner should have even an opportunity of aggrandisement upon an *ex parte* application. These considerations may have suggested the plan, which we believe was adopted by Sir H. Cairns in the Bill which he introduced in 1859, of registering legal or absolute ownerships only, as is done in the case of stock or ships, and of leaving the owners of beneficial interests, which were either only contingent or equitable, to notify and ensure those interests by formal caveats. But ships and stock are very different things from real property. Parliament does not propose to alter the doctrines of our feudal jurisprudence, and cannot, as we submit, by the assumption of an analogy which clearly does not exist in fact, create a system of land transfer as simple and satisfactory as the system of transfer of formal ownerships upon registers which have always formed the title to the property indexed in them. Stock is the ideal ownership of future profits; but this is not at all the same kind of thing as the ownership of visible acres; nor can any man affirm that analogous interests or rights could, in the nature of the two things, pertain to the possession of both.

A small pamphlet, entitled "Observations on Registration of Title with reference to the Bill for the Transfer of Land, by a solicitor of Lincoln's-inn of forty years' standing," has been printed and put into private circulation within the last fortnight. We have no doubt that many of our professional readers who practise in London have seen this brochure, and will be able to judge for themselves whether our "observations" upon it are satisfactory. We only regret that it is not possible, for want of space, to reprint the whole of it in these columns, and we may add



that we also regret that the "Solicitor" has not put his name to his "Observations," because we have reason to believe that the profession would readily attend to and consider any suggestions which were known to come from the author of them. The "Solicitor" says, "Let the title, then, where the parties desire it, be investigated by the Court, and on being found good and marketable, let it be entered upon the register as a judicially approved title." And again, "Solicitors of large experience entertain the strongest conviction that a registration of judicially approved titles will answer every purpose, and may be obtained at a much less expense than registration of an indefeasible title. The insurance fee will be saved, and all the expense of summoning adjoining owners on questions of boundary. Investigation by the Court, and registration thereupon, will be substituted for private investigation and a conveyance, but, with a well-contrived machinery for registration, a large proportion of the land of this country will gradually be placed on the register without previous judicial investigation; landowners will be content to let their titles grow out of their present complication into simplicity with the silent lapse of time and the growth of the register." Accepting, therefore, the plan of an optional registration of title, the solicitor's argument appears to us to be something of this kind:—Why should you either incur, on the one hand, the foolish expense and danger of obtaining a concise statement of the purport of instruments from a public officer of subordinate influence and learning, or on the other hand, admit the impossibility of altering the present verbosity of expression, and simply content yourself with the plan of registering all instruments *ipsisimis verbis*. Surely the wise solution of the problem is to be found in a plan for registering absolute ownerships; and if, and so long as incumbrances or equities exist, of inserting upon the register a note of reference to the instrument in and by which such restraints upon the absolute ownership are defined, which instrument, so long as it is operative, is to remain in the depository of deeds, but when the purposes of that instrument are satisfied, the "registrar may be ordered to cancel the marginal reference in the register of absolute ownership, the trustees may re-transfer to the owner; and the register of absolute ownership is restored to its original simplicity." Now we venture to question the feasibility of this plan, although, as a scheme, which accepts and is based upon the principle of registration, we are free to admit that we think it is the simplest we have met with, and for that reason probably the best; but we cannot admit that absolute ownership by one individual is a normal condition of any considerable area of land in England, and the argument of the "Solicitor of Lincoln's Inn," proceeds upon the assumption that the absolute dominion is constantly reviving in the hands of the same owner, after temporary constraints, which necessitate the presence of deeds upon the proposed register for a limited period only. But we apprehend that it is not the fact that land is not generally burdened with charges and claims and contingent interests, which affect both the legal and equitable fee with a continuous burden, which, *ex hypothesi*, would have to be revealed by a marginal reference, and evidenced by a registration of assurances. Indeed, it seems that if we once admit this to be the normal state of things, the scheme of freeing the absolute ownership from all restraints, and of making it possible to purchase, or charge, or lease, by a simple transfer or entry on the registry, will be complicated by the necessity of going to the Court upon questions of parties, of priority, of merger, of the satisfaction and extinction of old estates, of the form and effect of the conveyance; and in every case in which the Court is put in motion, it cannot act without formal evidence, nor in the absence of any interested party—in fact, unless a landowner has the good for-

tune to be in the condition of one in twenty, his conveyancing business will be forensic, and whatever evils in expense and delay are incident to litigation will be added to those which are already incident to private conveyancing. It is to be remembered, moreover, that no one suggests the shortening of the periods of limitation, and our argument is that it is virtually certain that even under the "Solicitor's" scheme of preserving a register of assurances only so long as they affect the title, there will, in nine cases out of ten, be such instruments to abstract and consider and pay for, as have now to be dealt with, and the difference between the old plan of managing the business, and the proposed one, will consist in the fact that in the latter the parties will have surrendered their private judgment and their liberty of action to the tender mercies of a tribunal which must, in justice to all parties, sift every possible doubt and question, and which will make one party or both pay for what both would endeavour to avoid, if the transaction was privately conducted. If the approval of the Court is needed at the commencement of the register, it will be necessary also upon every alteration of the status of the subject matter, which may affect neighbours or co-owners. If a fence is altered, which either forms a boundary or only affects the mutual enjoyment as between co-owners, every one must be present when the Court determines that the quantities or qualities of ownership either are or are not altered. Every act of the Court, if it is to be effectual at all as a sanction, must be done with the full knowledge and in the presence of every one in any way interested. It may be a wise thing not to retain upon the register any record of instruments which have ceased to affect the title, but we venture to think it would be a wiser thing for men to retain the dominion over their own property and interests, and not to submit themselves to the obligation of making applications to the Court of Chancery, which, if trivial, will be enormously expensive, though they will not be, for that reason, any the less necessary, and which, if really important, could now easily be made according to our present system of jurisprudence.

R. P.

## The Courts.

### ROLLS' COURT.

(Before the MASTER of the ROLLS.)

June 25.—*Barry v. Stevens*.—His Honour gave judgment in this case. The suit was instituted by Mr. W. W. Barry, a Chancery barrister, for the purpose of restraining the defendants, Messrs. Stevens, of Bell-yard, the law publishers, from proceeding against him in an action for the recovery of a publishing account until certain accounts were rendered by them as to the sale of a work written by the plaintiff and published by the defendants, known as a treatise on the "Statutory Jurisdiction of the Court of Chancery." The Court granted an *interim* order for the injunction to continue in force until a demurrer which had been filed by the defendants to the plaintiff's bill had been argued. The ground of demurrer was that the court of law had ample means of going into the dealings between the parties without the intervention of a court of equity. His Honour said that there was no allegation of fraud upon the face of the bill, and that, therefore, no case had been made out for the intervention of the Court of Chancery, as the accounts could be gone into in a court of law.

Demurrer allowed, with costs.

MR. PHILIP COLGROVE, clerk to Mr. Justice Keating, committed suicide, by hanging himself, on Monday last.

A convention has been concluded between Her Majesty and the King of Denmark for the mutual extradition of persons who, being accused or convicted of murder or attempt at murder, forgery, or fraudulent bankruptcy, committed within the jurisdiction of the one Government, shall be found in the territory of the other. The convention extends to criminals flying from a colony of the one country to a colony of the other.

## Parliament and Legislation.

## HOUSE OF COMMONS.

Friday, June 20.

## MERCHANT SHIPPING ACTS AMENDMENT BILL.

This bill was read a third time and passed.

## PARTNERSHIP LAW AMENDMENT BILL.

This bill was read a second time and referred to a select committee.

Monday, June 23.

## INCOME TAX.

Mr. DOULTON asked the Chancellor of the Exchequer whether the Commissioners of Income Tax had authority, in case of appeal based upon a three years' statement of profits, to dismiss the appeal without investigating such statement; and whether in the event of such dismissal (the assessment being under £150 per annum) the appellant had any remedy by application to the Commissioners of Inland Revenue, the Treasury, or other person or body.

The CHANCELLOR OF THE EXCHEQUER said in strictness he was not aware of any legal power by which district commissioners could be compelled to institute investigations by way of appeal; but there could be no doubt whatever that it was their duty to institute such investigations, and that generally—he hoped he might say universally—that duty was performed. When complaints were made to the Executive Government, and they believed the district commissioners were wrong, they directed the Government officer again to submit the case to the district commissioners, a course which was always found likely to bring the matter to a satisfactory termination. He did not consider that Parliament had given to the Executive Government any power to re-try the case, or to correct the proceedings of the district commissioners, except there had been some palpable error or omission on their part, or unless new facts came to light of which they were not cognizant. There was no difference in the practice where the assessment was under or beyond £150, but the majority of applications to the Government were certainly on behalf of parties whose incomes were less than £150.

Wednesday, June 25.

## INNS OF COURT GOVERNMENT BILL.

Sir G. BOWYER moved the second reading of this bill. After referring to the present constitution of the Inns of Court, and the mode of electing the benchers, he stated that the property of the inns of court was—Inner Temple, £21,668; Middle Temple, £10,192; Lincoln's inn, £18,242, and Gray's-inn, £8,243. He proposed to remedy the existing state of things by providing that each inn of court should appoint three benchers, making altogether twelve benchers, who were to act as a council of discipline. That council would have the power of examining on oath, and would be invested with the other powers of a court of record. He would make their proceedings public, except in those cases in which both parties should consent to have them conducted in private. He proposed that there should be an appeal from the decisions of the council of discipline to the judges, who should also sit in public; and he would give the council the power of inflicting the secondary punishment of suspension from the bar. He would assign to Lincoln's-inn 45 benchers, 25 of whom should be elected by the barristers, and 20 by the existing bench; and in each of the other three inns of court he would establish 35 benchers, of whom 20 should be elected by the barristers and 15 by the bench.

Mr. COLLIER moved that the bill be read a second time that day six months.

Mr. ROEBUCK seconded the amendment.

The ATTORNEY-GENERAL opposed the second reading.

Mr. DIGBY SEYMOUR entered into a long explanation of the circumstances attending the recent inquiry before the benchers of the Inner Temple in relation to charges which had been brought against himself, and complained of the present system of procedure by the benchers.

Mr. BOVILL replied to Mr. Seymour, and endeavoured to justify the conduct of the benchers in his case.

SIR G. BOWYER having replied, concluded by withdrawing the bill, for which, he stated, he would substitute a measure in relation to the judicial portion of the duties of the benchers.

The bill, however, was negatived without a division.

## Recent Decisions.

## EQUITY.

## RECTIFICATION OF VOLUNTARY DEED—MISTAKE—LAPSE OF TIME.

Bentley v. Mackay, M. R., 10 W. R. 593.

Lapse of time has always been held to be very material even in equity, not only as directly raising a bar to the plaintiff's claim, but also as indirectly altering the character of the transaction. Even prior to the recent Statute of Limitations equity acted in analogy to the legal bar. Although the grantor in a voluntary instrument may, indeed, at any time, indirectly defeat such a gift by a sale to a purchaser, nevertheless the instrument will, in the course of time, cease to be voluntary; at least so far as the rights of the grantor to a rectification of it on the ground of mistake are concerned. A similar principle prevails at law, so that where a person makes an assertion for the purpose of its being acted upon, and which is acted upon by the other party, the person making the assertion, even if it be false, is not at liberty afterwards to dispute its accuracy. *Pasley v. Freeman*, 3 T. R. 51, is the leading case on this point. In *Montefiori v. Montefiori*, 1 Bl. 363, a person, in order to promote his brother's marriage, stated that he owed him a sum of money upon the balance of a partnership account, and then he gave a note which was shown to the friends of the lady, upon the faith of which the marriage took place. Lord Mansfield decided that the brother could not afterwards reclaim the note. In another case of a like description, *Neville v. Wilkinson*, 1 Bro. C. C. 543, the defendant had made out a complete list of the debts of the plaintiff with a view to the marriage of the latter, and he had omitted a bond debt which was due to himself. The marriage having taken place upon the faith of this representation, Lord Thurlow held that he could not afterwards sue the plaintiff on that bond.

In the present case A. and B. agreed to secure to C. an annuity of £200. The annual payments were made to C. for fourteen years, when he died. A. and B. then found that by the terms of the deed the annuity was, by mistake, to be continued during each of their lives to the family of C. The Master of the Rolls held, that there being no fraud and undue influence, the Court could not relieve the plaintiffs from the effect of the terms of the deed. Even if, in point of fact, the grantee's condition be not altered, it will not affect his rights. "That," His Honour observed in the present case, "is not a subject which this Court can inquire into, because, in matters of this description it must treat all cases alike, and it is not sufficient for the purpose, even if you had the possibility of going into it, to ascertain from the evidence whether it (the deed) has or has not been acted upon. It is impossible to tell what some friend or relation might or might not have done for this family in case they had not believed them to be so well off as they were." The ground upon which His Honour based his decision is that the grantee becomes, in the course of time, a purchaser. Indeed, in the present case it would appear that C. was a purchaser owing to the agreement of A. and B. But we think that, while His Honour's reasons are certainly the most substantial and satisfactory amongst those suggested by the facts of the case, there is also ground to contend that the grantor, in a voluntary deed, has no greater claim to the aid of the Court, on the ground of mistake, than if he were a vendor for value. For even in the latter case the consideration does not extend to a clause introduced by mistake. Such a clause is, therefore, voluntary. If a mistake is unilateral only, as in the present case, there does not appear to be any ground to contend it should be rectified at the discretion of a voluntary grantor. Such a rule would open the door to the revocation of part of every voluntary deed at the mere instance of the grantor.

## VENDOR AND PURCHASER—UNDervalUE.

Clark v. Malpas, M. R., 10 W. R. 613.

Although mere inadequacy of consideration is of itself insufficient to vitiate a contract, yet such inadequacy is often a very strong element of proof of undue influence. Especially is this the case when the consideration is of such a nature, owing to the condition of the grantee, as not to have in reality its apparent value. In *Longmate v. Ledger*, 8 W. R. 386, A. B., an illiterate and weak-minded man, when seventy-two years of age, and whilst labouring under domestic annoyance, in consideration of £1 per week and the use of a cottage for life, conveyed landed property worth £800 to C. D., to whom he owed £150. On a bill filed by the heir of A. B., the con-

veyance was set aside as an absolute assignment, and decreed to stand only as a mortgage. On the other hand, in *Harrison v. Guest*, 1 De G. M. & G. 323, after the death of a vendor, the sale was impeached by his devisees on the ground that at the time of the sale he was an illiterate bed-ridden old man of seventy-one years of age, and had acted without independent professional advice, and had conveyed away the property in question of the value of £400, for the consideration of a provision by way of board and lodging during his life, which only endured six weeks. After the conveyance, it was held that in the absence of any fraud, and the evidence showing that the vendor had declined to employ professional advice for himself, such a transaction was not impeachable on the ground of mere inadequacy of consideration. His Lordship there laid down the doctrine which, indeed, has never been disputed, that where there is a fiduciary relation subsisting between the vendor and purchaser, the burden of proof as to the fairness of the transaction lies upon the party setting it up against the person whom he was bound to protect, and that in all other cases the burden of proof lies upon the party impeaching a transaction. It is not sufficient for such a one to say he had no professional advice. He must also prove that there was contrivance on the part of the person with whom he was dealing to deprive him of the aid of professional advice. In the present case a purchase of freehold property for an inadequate consideration by a person who did not hold a fiduciary relation to the vendor was set aside on the ground of haste and the absence of independent professional advice on the part of the vendor, he being an illiterate old man, the deed being executed by him only thirty-six hours before his death, and the consideration expressed in the deed being a weekly sum and a house to live in during his life and the payment of a sum of money after his death to any person to whom he should appoint the same. The Master of the Rolls held that there should be a decree such as was made in *Longmate v. Ledger*. The present case is, we think, decided in opposition to *Harrison v. Guest*. His Honour distinguishes them, indeed, on the ground that in the latter case the purchaser declined the offer in the first instance, though he afterwards more leisurely entered into it. This we think to be by no means comparable, in point of importance, with the other circumstances of the case; for such unwillingness on the part of the purchaser might have been merely assumed for the purpose of deceiving the vendor.

We have no hesitation, however, in preferring the principle of the present decision. It is not necessary for the purposes of commerce that the dealings of old and illiterate persons with their property are to be suffered to remain unimpeachable, if there be a mere technical compliance with the rules of law on the part of those with whom they contract.

#### REAL PROPERTY AND CONVEYANCING.

##### DEVISE—RULE IN SHELLEY'S CASE—LEGAL ESTATE.

*Spence v. Spence*, C. P., 10 W. R. 605.

Before the present Wills Act (1 Vict. c. 26), it was often a question of some difficulty to determine whether a devise to a person, without words of limitation, for the purpose of paying debts and legacies, would vest in such person the inheritance or a chattel interest only; and of all the adjudged points connected with this subject that which, perhaps, was considered the least satisfactory was the doctrine established from the cases which gave to trustees whose estate was undefined a term of years (either with or without a prior estate for life), determinable when the purposes of the trust should be satisfied. This, however, was done away with by the above enactment, the effect of which was to propound, in regard to wills made or re-published since the year 1837, the following general rule of construction:—That whenever real estate is devised to trustees (and it would seem to be immaterial whether the devise is to the trustees indefinitely or to them and their heirs, or to them and their executors or administrators) for purposes requiring that they should have some estate, without any specification of the nature or duration of such estate, and the beneficial interest in the property is not devised to a person for life, or, being so devised, the purposes of the trust may endure beyond the life of such person, the trustees take an estate in fee simple: see 2 Jarm. W., last edit. 295.

The mere fact that the devised property was charged with the payment of debts of the testator would not be sufficient in itself to vest the estate in the trustees, unless there were express words charging or directing them to pay the debts, or unless where the trustees are also executors, and the payment of debts, though not expressed, was implied, as in *Creaton v.*

*Creaton*, 5 W. R. 123. In the present case there was a general direction to pay debts, coupled with a devise to the trustees (who were also appointed executors) in trust for the testator's son (J. S.) for his life, and after the death of J. S., in trust for his heirs for ever. The Court of Common Pleas held that the legal estate in fee was in the trustees, and that the rule in *Shelley's case* applied, so as to vest an equitable estate in fee simple in the heirs of J. S.

#### COMMON LAW.

##### HIGHWAY—NUISANCE.

*Reg. v. United Kingdom Electric Telegraph Company (Limited)*, Q. B., 10 W. R. 538.

All injuries whatever done to any highway, such as by digging a ditch or making a hedge across it, or laying logs of timber on it, or doing any act which will render it less commodious to the public, are nuisances at common law. So it is no excuse to say that the logs are only laid here and there, and that people may have a passage by winding and turning through them; nuisances such as these may be abated and removed by the individual aggrieved thereby, so that he does it without committing any riot. The reason given for this is, because injuries of this kind which obstruct or annoy such things as are of daily convenience and use, require an immediate remedy, and cannot wait for the slow progress of the ordinary forms of justice: III. Blackst. Com. 339.

In the present case the defendants were indicted for a nuisance in obstructing the highway by erecting telegraph posts, in some instances upon the road itself, but generally upon the strips of land at the side. The telegraph posts were erected with the consent of the boards of health and the surveyors of highways, and other persons having legal care of the road in its various parts. The learned judge laid down two propositions to the jury—that in an ordinary highway the right of way *prima facie*, extends to the whole space between the fences; and secondly, that a permanent obstruction, placed without lawful excuse in the highway, is a public nuisance, and that if the obstruction was placed there for the purposes of profit, and was of such a size, as to interfere with the use of the highway by passers by, the defendants ought to be convicted on this indictment. The jury convicted, and the Court of Queen's Bench upheld the ruling of the learned judge. We may remark upon the first proposition that it does not at all seek to interfere with what are called "waste lands," that is, the strips of land adjoining the highway, the ownership of which vests usually in the proprietors of the adjoining land; and the ground of this presumption of ownership is said to be, that originally the road itself was given up by the owners of the adjacent lands. With respect to the second proposition, it plainly, from its terms, assumes a substantial obstruction, or an interference with the rights of the passers-by. The question of degree of obstruction is one for the Court to determine; though whether the obstruction is such, or, in fact, whether it may be said to be a nuisance at all, is for the jury to decide upon, from the whole facts of the case.

It was urged in the present case that as some of the telegraph posts were placed upon the strips on the side of the road, and actually upon spots inaccessible to the public, they at all events could not fall within the above proposition, as "interfering with the general use of the highway." Crompton, J., on this part of the case, is reported to have said, "It would be no use to the telegraph company to have a few isolated posts left standing at different spots along the line of road. If they wished to keep them, they should have excluded them from the operation of the rule as laid down by the judge."

#### Correspondence.

##### ELECTION FOR CORONERS—RIGHTS OF EQUITABLE FREEHOLDERS.

In my letter of last week, assuming the law to be as laid down in Mr. Welsby's edition of Lord Chief Justice Jervis's book on Coroners—namely, that an equitable estate of freehold would confer the right of voting in the election of these officers—I advanced the proposition that many shareholders in certain joint stock companies would be found entitled to exercise such right.

It must be admitted that a case which has been reported since the publication of the above-named work (*Reg. v. Day*, 3 Ell. & Bl. 859, 2 W. R. 515, 1 Jur. N. S. 107) would ap-



pear to impugn the correctness of the statement of law above referred to. Indeed, if the Court of Queen's Bench is to be considered as having affirmed the doctrine implied in the marginal note of the case—viz., that the right of voting for coroners is incident only to a *legal estate*—the basis of my argument from the case of *Baxter v. Brown* is removed, together with the application of the latter case towards establishing the right of voting, at this election, in the class of persons indicated by me, though the doctrine has still relevance to the Parliamentary franchise.

It ought not, however, to be readily conceded, that the inconvenient principle, that nothing but the legal estate will qualify to vote for a coroner, has been established by the case of *Reg. v. Day*. The majority of the Court preferred to rest the decision on the facts of that case, and held that, even admitting that an equitable freehold would support the claim, there was, in that case, not sufficient to constitute even an equitable freehold in the challenged voters (see report of the case in 1 Jur. N. S. 107). The point, therefore, must still be considered as open; and, I think, if the subject be closely investigated, there will be found to be considerable difficulty in maintaining the proposition, appearing to be favoured by the Court of Queen's Bench—that since the repeal of the statute 58 Geo. 3, c. 95, there is nothing but a legal ownership which will entitle a man to vote at these elections.

In the case of the qualification for a juror, when the position of *cestui que use*, with reference to the legal estate, was the same as that of *cestui que trust* at the present day, we have the clear authority of Littleton, that *cestui que use* was competent to be sworn in assize and other inquests, although by the statute 2 Hen. 5, c. 3, the juror was required to have lands and tenements to the value of forty shillings, and this construction of the statute, Littleton adds, was "by the common law" (Litt. sect. 464). Lord Coke explains the reason for this, because of the great quantity of land that was then in use, and says, "albeit in law the land was the feeoffee's (to uses), yet for that they had it but upon trust, and *cestui que use* took the whole profits, and in equity and conscience the land was his, therefore the judges, for advancement and expedition of justice, extended the statute (against the letter) to *cestui que use*, and not to the feeoffees;" and he adds among the things to be observed, "First. That the surest construction of a statute is by the rule and reason of the common law. Secondly. That uses were at the common law" (Co. Litt. 272a, 272b). The statute 28 Edw. 3, c. 6, on which the right of voting for coroners is said to rest, declares that "they shall be chosen in full counties, by the commons of the same counties;" language which would appear to be much more open to a liberal construction than that of the statute of Hen. 5, which enforced the qualification of jurymen.

In modern times the courts have, in various cases, held the language of statutes, enacting the requirement of certain qualifications, would be satisfied by the possession of equitable interests, though the proper and technical force of the words used, undoubtedly, could only be satisfied by the legal estate. Among these may be cited—on the qualification to kill game *Wetherall v. Hall*, Cald. 250; on the Annuity Acts, *Shrapnel v. Vernon*, 2 Bro. C. C. 268; *Amhurst v. Skinner*, 12 East. 263, though in the two latter cases the Court had to get over the difficulty of the word *seised*, in the Act of Parliament. The observations of Lord Eldon in *Queen's College case*, 1 Jac. 38, are also in point.

The arguments *ab inconvenienti* against adopting the construction excluding the beneficial ownership, are certainly as cogent at the present day in this case as those which operated on the minds of the judges of the Lancastrian princes, and produced the remarkable recognition of the use—that creature of equitable doctrine—which has been adverted to by Littleton and Coke as above referred to; justifying the words of Lord Bacon that "uses were at the common law, in reason, for whatsoever is not by statute nor against law may be said to be at the common law" (Bacon's Reading on Uses, 19).

When it is considered that the largest properties are often subject to slight charges, by means whereof the legal estate is put out of the owner of the inheritance, and that the legal estate is so often severed from the beneficial enjoyment by an accidental operation of conveyancing, the ascertainment of the instances where such a state of facts exists being often by no means an easy task even for professional acumen, we may doubt whether anything short of the constraining force of an inflexible legal rule, such as it is deferentially submitted has not been established, would induce the common law courts of the present day to adopt, by a well considered decision, a principle which would vest a civic right, supposed to accompany

the possession of property, in a mere formal instrument, such as the bare trustee, while it would deny the same right to the substantial ownership of the *cestui que trust*.

It is difficult to believe that equity and substance are more likely to be lost sight of in the consideration of technicality and shadow by the judges of the nineteenth, than by their learned predecessors of the fifteenth, century. T.

Lincoln's-inn, June 25, 1862.

#### SURRENDER OR FORFEITURE OF LEASE.

I send the following reply to the query of your correspondent "A. S. W." in your number of June 7th.

If a person grants to A. for the term of three years, and after the expiration of the said *three years*, or the said *time*, to B. in fee, and A. surrenders or forfeits his lease at the end of one year, B.'s interest will nevertheless not arise until the time is fully elapsed. The case would be otherwise, however, if the remainder were to B. "after the expiration of the said *term*," for then, by the surrender or forfeiture of A., the estate of B. would immediately take effect and come into possession. The reason of this is that the word *term* refers to the interest under the lease, whereas the word *time* comprises the actual space of the term. In the former case, I should say B.'s remainder is *contingent*, and not *vested*, for I take it to be "an estate in remainder, which is not ready, from its commencement to its end, to come into possession at any moment when the prior estate may happen to determine." J. T. S.

### The Provinces.

#### LIVERPOOL.

##### BANKRUPTCY COURT.

June 19.—In *re J. G. Holden*.—This bankrupt, John George Holden, formerly in partnership with his father John Holden, as attorneys-at-law, came up before Mr. Commissioner Perry for his last examination and order of discharge.

Mr. Charles Pemberton opposed on behalf of different creditors.

Mr. Woodburn (in the absence of Messrs. Atkinson & Bartlett) appeared for the assignees.

Mr. Wilson, for the bankrupt.

It appeared from the examination of the bankrupt that the firm borrowed money from loan societies, for which he individually became responsible. Large rates of interest were paid on those loans. Money belonging to clients of the firm was used and retained for private purposes, but he had nothing to do with the cash or books, although he was jointly responsible. His duty was confined to the inner department of the office. Before the commencement of last year he had no knowledge that the firm was insolvent; if he had investigated the firm's books, and exercised diligence, he would have become acquainted with the fact. From the investigation he had had to make of his books since his bankruptcy it appeared that 1859 was the earliest date the firm appeared to be insolvent. The firm were borrowing money as loans as early as 1857, and he became a partner in 1855. He never at any time took the trouble to ascertain the true state of the firm's affairs, as he trusted that to his father and Mr. Morris, the cashier.

It appeared that the whole of the separate estate of Mr. John Holden had realised £472, and that the personal expenses of the bankrupt since the commencement of the partnership, which he drew out of the firm, had not averaged £500 a-year, but about £300 a-year, and that the total liabilities of the firm were about £6,600, and that the assets were about £800.

Mr. Charles Pemberton opposed the passing of the bankrupt. He remarked upon the excessive personal expenses of the bankrupt, which, he said, was perfectly unjustifiable, inasmuch as he must have known that the affairs of the firm of which he was a member were hopelessly insolvent. He felt it to be his duty to ask his Honour to mark his sense of the bankrupt's conduct, not by a severe punishment, but at least by a suspension of his order of discharge for some time.

Mr. Woodburn, who appeared on behalf of the assignees, did not wish to prevent the bankrupt obtaining his order of discharge. The assignees felt that though the bankrupt was to blame to some extent, he had been placed under the chilling and repressing influence of his father, and that his was a case in which great allowance ought to be made.

Mr. Wilson having addressed the Commissioner on behalf of the bankrupt,

The COMMISSIONER said, in consequence of what had been stated by Mr. Woodburn he should certainly take a different view of the case to what he should otherwise have taken. He quite thought the father of the bankrupt was most to blame in the transactions that had been alluded to; but he also thought that the bankrupt himself must have known his firm to be in an insolvent condition, and that he was not justified in spending such large sums of money as he had admitted having spent. He therefore should suspend the bankrupt's order of discharge for twelve months, three months of which to be without protection.

Judgment accordingly.

### Ireland.

[A private investigation was held at Queenstown on the 11th inst., before the magistrates, into a charge of forgery brought against Mr. Walter Fitzsimons, solicitor, in his capacity of agent to the Provincial Life Insurance Company, in England. Informations were sworn by two gentlemen connected with the company, the purport of which was that a person named Cronin, a corn dealer, residing in Market-street, Cork, was insured in their company for the sum of £500, and that Mr. Fitzsimons, in his capacity of agent, falsely pretended that this person was dead, and, to support his allegations, forged the proofs of death. Mr. Fitzsimons, who resides in Queenstown, and was ill, was not present.

### Foreign Tribunals and Jurisprudence.

#### AMERICA.

##### SALVAGE.

Mr. Hamilton E. Towle has libelled *The Great Eastern* for salvage. The libellant, who is an American, and a civil engineer by profession, was a passenger on board *The Great Eastern* on her attempted voyage from Liverpool to New York, in September, 1861. The libel states that on the 12th day of September, the ship being then about 300 miles west of Cape Clear, she was overtaken by a violent storm, which carried away the side wheels, disabled the rudder, and did other serious damage. That the officers of the ship endeavoured by various devices to steer the ship, but failed, and she remained from the afternoon of Thursday, the 12th, until the evening of Sunday, the 15th, of September, in the trough of the sea, entirely at the mercy of the storm; that on Friday the libellant devised a temporary steering apparatus, and asked permission of the captain to apply it to the broken rudder, which request was declined; that on Saturday evening, at the solicitation of the passengers, the captain consented to allow the libellant to construct his steering apparatus, and placed men and material at his disposal to enable him to complete his design; that on Sunday evening the temporary apparatus was completed, and was found to be sufficient to steer the ship, and with it she was brought safely to the harbour, reaching the Cove of Cork on Tuesday, September 17. The libellant claims for services in the nature of salvage 100,000 dollars.

#### RUSSIA.

##### LEGAL REFORMS.

The council of the Empire has adopted new fundamental regulations for the administration of justice. Henceforth no one is to be condemned, except by the proper tribunals. All judicial proceedings are to be conducted publicly, and trial by jury is to be introduced.

### Review.

*The Criminal Law as amended by the Statutes of 1861, with Pleading, Evidence, Forms of Indictment Cases, and Index.* By HUMPHRY WILLIAM WOOLRYCH, Serjeant-at-Law, author of "The Law of Commons, Ways, and Sewers." Shaw & Sons. 1862.

A penal code, such as those of France and other continental countries who have built their jurisprudence on the Roman law, has been for years a desideratum with British lawyers and legislators. The subject has stalked time out of mind, from session to session, before Parliament, and the nearest approach

to its assuming a tangible condition has been the recent statutory condensation of a portion of our criminal law by the passing of the Acts of the 24 & 25 Vict. cc. 94, 95, 96, 97, 98, 99, 100. Yet these seven long Acts of Parliament, couched, as they are, in the usual pleader's jargon of our statute book, would almost go to show how next to impossible it is to mould the ponderous massiveness of English legislation into anything like that succinct and tangible codification which the indomitable determination and eagle-eyed supervision of the first Napoleon founded with perfection—a lasting monument of his genius and a boon to France for ever. The seven English statutes of the last session fill up one hundred and thirty pages of the octavo statute volume of 1861, while the whole French Penal Code, printed in an octavo edition, in somewhat larger type, occupies but sixty-six pages. The French Penal Code is in language that a child can understand; our seven statutes are in verbiage that few but lawyers can comprehend, and only men the most experienced in criminal jurisprudence can rightly expound. Nevertheless as a consolidation, these seven Acts of Parliament are a great benefit, and do honour to the learning and industry that have produced them. They rid us of a quantity of old and obsolete matter that was past use and did but impede the course of justice. Their very compactness aids their interpretation and places them within ready reach of the practitioner. The nature of our law is in all probability a check to bolder innovation, and has prevented more being done. The ancient statutory language cannot well be avoided, as the judicial interpretation of the past must have its understratum preserved to lead on to the judicial interpretation of the future. The decisions, too, of the judges, whether these decisions be bygone or to come, will have to be tacked to all our enactments, and therefore the brevity of a code lies beyond the most sanguine expectation; but what the statute book cannot do the lawyer himself may effect. A code may be beyond production, but the digest that he can make is the next best thing to the code itself; in living instance whereof comes this compilation of Mr. Serjeant Woolrych—as able a criminal digest as ever was formed. The learned serjeant has had many and talented competitors in the work he has undertaken; for, no sooner were these seven Acts passed than various other legal writers, like him, of eminence, experience, and erudition, have either brought out these statutes separately with copious explanatory matter, or have added them, well expounded, to digests, of which such writers are already either the authors or the editors. But Mr. Serjeant Woolrych has had one great advantage over his fellow labourers. The whole of his book—a complete digest of *all* the criminal law—is entirely new. It is not the mere seven statutes annotated and explained, nor is it the seven statutes added to and grafted with difficulty upon a compilation already extant. It is from the first page to the last a thoroughly new digest. The freshness of one course of labour, brought at one period to one issue, hangs upon it. It is just the manual required to make these statutes, which are the new law, tally in and fit with the old law. That the author of so standard a work as the "Law of Sewers" should do his present task well was naturally to be anticipated; and, indeed, this criminal digest is most creditable to him. It is the very book that was wanted—the right thing at the right moment, and of certain utility in the right place. Judge, barrister, solicitor, and magistrate, all will find the volume exactly suited to their need and purpose. Of the plan adopted in the work, the learned serjeant gives a clear account in his preface:—

"The author has made it a conspicuous feature of this work to give in considerable detail the various stages of the procedure in a criminal trial, and these constitute the first part of the work. In this department the natural order of the proceedings has been followed as nearly as possible, and as it is common to all criminal prosecutions, it is hoped that it will be found useful. Thus the author commences with the issuing of process, or the apprehension, and follows the prosecution through all its subsequent stages, whether before the grand jury or justices of the peace, with the pleadings and evidence, until it arrives at its natural termination of verdict, judgment, and execution.

"The incidental or occasional proceedings are also treated of, such as bail, *certiorari*, criminal information, challenge of the jury, rewards of officers, and error, at those stages of the prosecution where they naturally diverge. The importance of this part of the subject fully warranted its being treated at considerable length; and, it is believed, the reader will require no apology for being furnished with a compendium of the present practice.

"The second part of the subject consists of the various defined crimes recognised by the law of England, from treason down to miscellaneous misdemeanours, not omitting a reference also to those summary convictions included in the recent Acts. It was considered better to give a complete list of criminal offences, for though treason is a crime which now happily is of rare occurrence, its incidents are more or less blended with those of the minor crimes, and the criminal lawyer can never hope that this branch of the law will become entirely obsolete.

"The offences have, for the sake of convenience, been collected into various groups, after the manner adopted by the Criminal Consolidation Acts. First in order are the offences against the Queen and her Government, then the offence of larceny and its cognate offences. Next follow malicious injuries to property, forgery, coinage, offences against the person, against the game laws, against public justice, perjury and conspiracy, offences against the public peace, against religion and morals, against public trade, against the public revenue, nuisances, other indictable offences, and lastly, offences punishable by court martial. Each of those sub-divisions treats of the offence so far as it exists at common law, then the statutory description and its ingredients, next, the decisions of the courts bearing on each phrase and expression so used, and lastly, any peculiarities of procedure which exist. With regard to those offences embraced in the recent Consolidation Acts, the order of the statutes has been followed as nearly as practicable. Occasional subjects have been introduced under their proper heads: thus the practice of coroners' inquisitions, and surety of the peace, have been included among the chapters relating to offences against the person."

We have but faint hope, as we say, that our criminal law will ever reach the perfection of a code, but we are in a great measure consoled, when we find at hand such a digest as this, which the knowledge and industry of Mr. Serjeant Woolrych have provided for the profession.

*Outlines of the Administrative Jurisdiction of the Court of Chancery.* By THOMAS HENRY HADDAN, Esq., Barrister-at-Law. Maxwell. 1862.

The work now before us is the substance of a series of lectures delivered by its author at the Law Institution within the last two years, and is highly creditable to all parties concerned, whether it be regarded in reference to its original object or to its permanent value. There are always peculiar difficulties in any attempt to write what will satisfy both an impatient audience and a careful student, and to preserve the necessary continuity in what is intended to be delivered at broken intervals. It must also be at all times no easy matter for a reader at the Inns of Court or a lecturer at the Law Institution to select out of so wide a domain as Equity any subject of interest which is sufficiently limited to be presented in a comparatively small number of prelections, without being at the same time worn threadbare by the text writers. All that he can generally hope to do is to take the branch or set of topics of jurisprudence which he is about to treat, and to impart some interest to his theme by new generalizations, or, perhaps, by a more closely topical discussion. This is what Mr. Haddan has done. He has not attempted an excursion over the whole field of equity, nor has he on the other hand selected any exclusive head of doctrine. He takes for his subject the administrative jurisdiction of the Court of Chancery, which, although it is incidentally and in some instances largely treated in other works, is nowhere as a whole made the subject of any treatise. Mr. Haddan, in his preface, observes that:—

"The first principal division of the administrative jurisdiction in chancery—viz., the administration of the assets of persons deceased—had formed, but incidentally only, a part of the general subject embraced by Mr. Justice Williams' comprehensive treatise on the law of executors; while the second division of the administrative jurisdiction which occurred for notice was the administration of trusts;—a subject treated of, though, again, not directly or exclusively, by the well-known works of Mr. Lewin and Mr. Hill on the general law of trusts and trustees. But in the third and remaining division of the proposed subject—viz., administration under the statutory jurisdiction of the Court—no writer appeared to have undertaken the task of explaining the common principle on which that particular administrative jurisdiction, in its various branches, proceeds, or the reasons which have called it into existence."

The division of his subject which Mr. Haddan thus makes is scientific and convenient, and the notion of presenting in

a single volume a faithful outline of that phase of equity jurisdiction which is the most interesting to solicitors, was certainly a happy one. At all events a lecturer to articulated clerks could hardly have selected one calculated to be in its development more useful to his hearers. The above extract gives a fair account of the general scheme of the work. It will be satisfactory to our readers, however, to inform them more closely of its contents. Starting with an introductory chapter on the history and nature of the administrative jurisdiction of courts of equity as well as upon administration generally, the author proceeds to give an account first of the administration itself—under which he discusses the parties to it, the title to obtain it, the course of procedure for obtaining it, and the effect upon it of the admission of assets; secondly, of the assets administered; and thirdly, of their application. This concludes the whole of what is called Book I. The second book deals with the administration of trusts, which is sub-divided into two chapters, one being devoted to public or charitable trusts, and the other to private trusts, or trusts for the benefit of individuals. Book III. contains an account of the statutory jurisdiction of the Court, of the history of which Mr. Haddan gives an interesting summary. Under this head the author refers to and comments upon the different statutes which have conferred jurisdiction upon the Court in matters relating to the title to, and conveyance or transfer of, property, beginning with the statute 7 Anne, c. 19, and ending with the Law of Property Amendment Acts, 1859 and 1860. He passes in review the Lands Clauses Consolidation Act, 1845, the Trustee Relief Acts, 1847 and 1849, the Trustee Acts of 1850 and 1852, the Infants Settlement Act, 1855, and the Leases and Sales of Settled Estates Acts, 1856 and 1858.

Mr. Haddan, in his book, maintains his own reputation as an accomplished lawyer and scholar, and the Incorporated Law Society may well be proud of being the means of giving to the profession so useful and creditable a work.

## Societies and Institutions.

### UNITED LAW CLERKS SOCIETY.

The thirtieth anniversary festival of this society was held on Tuesday last, at the Freemason's Tavern. The Right Hon. Lord Chief Justice Erle was in the chair, and was supported by Lord Justice Turner, Mr. Montagu Chambers, Q.C., Mr. Serjeant Gazelee, the Hon. George Denman, Q.C., M.P., Mr. Secondary Potter, Mr. D. D. Keane, Mr. W. A. Mundell, Mr. R. Mangham (Secretary to the Incorporated Law Society), Mr. F. T. Bircham, Mr. Townshend, Mr. P. C. Gates, Mr. J. G. Lewis, Mr. J. Hawkins, Mr. H. Edwards, and many other influential members of the profession.

Upwards of 300 members of the society also sat down to the banquet.

The presence of a considerable number of ladies in the gallery was a very pleasing feature in the scene.

After the usual loyal toasts had been given and responded to

The SECRETARY read the annual report of the committee of management, which stated that although the period had arrived when the claims upon the funds necessarily became more numerous, they had been able to meet them all out of the current income without resorting to the reserved fund.

The report then described the general objects for which the society was established, and proceeded as follows:—

"The income from all sources on account of the General Fund during the year (including £1,525 4s. contributed by the members) has amounted to £2,843 9s., and the expenditure to £1,503 1s. 2d. The difference has been added to the Society's investments. These are all made with the Commissioners for reduction of the National Debt. The Committee are not able, as in previous years, to keep adding to these investments, the gradually increasing claims upon the Society as it grows older rendering that impracticable, but they are happy to state that the interest on former investments has been made available for that purpose. On the 1st of April, 1861, the invested funds amounted to £26,267 15s. 6d. On the 7th of April, 1862, they were increased to £27,748 13s. 6d. As the interest of more than £1,000 is required to pay the pension of every superannuated member, and as they must continue to increase, the Committee have always kept in mind the importance of obtaining an adequate secured fund to meet all claims however numerous they may be.



The Benevolent or Casual Fund is employed in assisting with small gifts of money all deserving law clerks, whether members or not, and their widows, when suffering from temporary and unavoidable distress. The principal recipients of these gifts are persons who are not members, and who have never contributed to the funds. None are assisted without previous careful investigation into their eligibility and deservingness. Fifty applications for relief have been made during the year, thirty-five of which were from deserving but distressed persons, who received such assistance as the rules permitted. The remaining applications could not be entertained, as they were from persons either ineligible or undeserving. Out of this fund, also, several small loans have been made to members, who return the exact amount lent by periodical instalments. £427 has been required to make these gifts and grant these loans. Assistance of a similar kind has been rendered, in previous years, to the extent of £8,582 1s., making a total since 1832 of £9,009 1s.

"The amount of the casual fund in hand on the first day of April, 1861, was £304 1s. 9d. A sum of £536 19s. 11d has been since received, making a total sum of £843 1s. 8d. The gifts and loans before referred to, with some trifling disbursements, amount to £461 10s. 6d., leaving a balance of £381 11s. 2d. in hand on the 7th day of April, 1862.

"The assistance afforded by the society since 1832 to its members and their families, and to non-members and their widows, has exceeded £23,000. Great care has also been exercised to accumulate a sufficient guarantee fund, to ensure to the members the ability of the society to meet the engagements into which it has entered with them. The kindness of the profession has widely extended the advantages of the society, increasing the amount of its benefits, and thereby encouraging amongst clerks the formation of habits of forethought and prudence. And the committee take this opportunity of returning their sincere thanks to the profession for the kind feeling shown towards the society, and to which so much of its prosperity is attributable."

The CHAIRMAN then proposed the toast of the evening "Prosperity to the United Law Clerks Society." He said he had heard the reading of the report with sincere pleasure and great satisfaction. The great practical good emanating from a society like this could not be too much understood or too greatly appreciated. The objects for which the society was instituted deserved the cordial approval and support of the profession. The casualties of life showed the necessity of every law clerk becoming a member of the society. His lordship then contrasted the present position and prospects of the society with what they were fifteen years ago, when his lordship presided at the then anniversary festival. The great progress the society had made was highly gratifying and encouraging, and afforded the strongest testimony of the appreciation of its objects by the profession and law clerks generally, and to the good management of the society's affairs by its officers. His lordship then alluded to the relations existing between the members of the profession and their clerks. Of the barristers' clerks he might say that the success of their employers was mainly dependent upon their exertions and ever watchful regard to their interests. Of the conduct of clerks to solicitors and attorneys in the transaction of the many important matters of business entrusted to their care it was impossible to speak too highly. The ability, honour, and integrity exhibited by them on all occasions deserved the highest encomiums, and as a body he held them in the highest estimation. His lordship concluded by appealing to all present, and the profession generally, to accord the most cordial and strenuous support to the objects and purposes of the society.

The observations of the learned judge were received with very marked attention and satisfaction, and he sat down amid immense applause.

Mr. MONTAGU CHAMBERS, Q.C., in an eloquent and somewhat humorous speech, proposed "The Lord Chancellor, and the other patrons of the society."

The Hon. GEORGE DENMAN, Q.C., M.P., responded to the toast.

Lord Justice TURNER then proposed "The Chairman." After bearing testimony to the honour and ability of the law clerks as a body, his lordship congratulated the Society upon its great success. He took blame to himself for not having in the earlier part of his professional career taken a greater interest in the society, but he had now for many years been one of its warm supporters. He had watched with increasing interest the progress of the Society, whose numbers and capital it afforded him the highest gratification to observe, had more than doubled since he first felt it his duty to have regard

to its welfare. The objects of the Society had his hearty approval, and deserved the warmest and most liberal support of the entire profession. It had been supposed that from the great demands which must necessarily arise in the course of time upon its funds, the Society might be unable to meet its engagements, but his lordship was satisfied that so long as the Society was conducted in the manner in which it had been, no harm could ever come to it on that account, as he felt assured that the profession would rally round and support it in any emergency. His lordship concluded with a few feeling and complimentary remarks upon the Chairman, and sat down amid tremendous cheering.

The CHAIRMAN briefly responded to the toast.

Mr. Serjeant GAZLEE proposed "The Bench, the Bar, and the Profession," to which

Mr. D. D. KEANE replied.

Mr. MUNDELL proposed "The Honorary Stewards."

Mr. GATES responded.

The CHAIRMAN, having in a brief but gallant speech proposed "The Ladies"—

The proceedings of the evening were brought to a conclusion.

The donations announced during the evening amounted to upwards of £400, amongst them being a donation of £40 from Lord Chief Justice Erle.

#### THE LORD CHANCELLOR'S TRANSFER OF LAND BILL.

The Incorporated Law Society have presented to the House of Commons the following petition against Lord Westbury's Transfer of Land Bill:—

That a bill intituled "An Act to Facilitate the Proof of Title to and the Conveyance of Real Estates," which has passed the House of Lords, is now pending in your honourable House.

2. The bill proposes to establish a new system of registration, involving the registration of landed property, and of titles to landed property, and of instruments and matters affecting titles to landed property.

3. Your petitioners would regard with satisfaction the establishment of any system of registration which could be relied on for lessening the difficulty, delay, and expense of dealing with landed property, provided those objects could be attained without exposing landowners to other and as great evils.

4. Inasmuch as a new law of uncertain operation or effect is of itself an evil, your petitioners would deprecate the passing of any Act of Parliament intended to attain those objects, if the Act could not be reasonably relied on to attain them.

5. Your petitioners have the satisfaction of knowing that on former occasions when they have petitioned your honourable House with respect to changes of the law, they have done so, as they do now, in the interest of those who honour them with their confidence, and with a sincere wish for the amendment and improvement of the law.

6. In the year 1853 a scheme for a registration of titles was considered by a select committee of your honourable House, before whom it was supported by the evidence of several of your petitioners. On the recommendation of that committee it was referred to a Royal commission, by which, after deliberate consideration, a scheme for a registration of titles, founded in great part on the scheme so considered by the select committee, was framed and recommended.

7. The course taken by that Royal commission is a course which has been found to be of great advantage when an important alteration of the law is under consideration. Questions bearing on the subject were widely circulated among the members of the legal profession, and their replies were carefully considered before any definite proposal for the alteration of the law was finally adopted.

8. The pending bill has not been submitted to the examination of the legal profession; and your petitioners respectfully submit that in any event it ought not to be passed into a law until it has had the benefit of a searching criticism, especially by those members of the profession whose duty (if the bill should be passed into a law) it would be to give effect to its provisions.

9. A law affecting real property stands on a different footing from many other laws. When passed, it makes its impress on the land for at least a generation. It is not like a law imposing a tax, or regulating judicial procedure, or providing for the management of a turnpike road, which, when repealed,

leaves but a faint and speedily-effaced mark of its operation. The title to land retains for years the impression made on it by an Act of Parliament, however soon repealed.

10. It is necessary that all landed property should be guarded against the risk of being affected by any Act of Parliament which, however desirable its objects, and however theoretically plausible, might lead to much litigation in arriving at a judicial declaration of its meaning or effect. Any Act which might involve landowners in new difficulties and expenses would, by its practical failure, tend to discourage efforts for the establishment of a really good system of registration of titles, which your petitioners sincerely desire; and on these grounds your petitioners respectfully submit to your honourable House the following remarks on the pending bill, with some suggestions for its amendment.

11. The bill is open to objection on the following grounds:—

First. The general laxity of its language, and the contradictions and inconsistencies between some of its provisions.

Secondly. The litigation and expense in which, if acted on, it would probably involve landowners.

Thirdly. The impossibility of complying with some of its most important requirements.

Fourthly. Its contravention of some of the well-known and long-established rules of law relating to landed property.

Fifthly. The probability that, if passed into a law as it now stands, it would, as regards the registration of at least nine-tenths of the land of England, be a mere dead letter.

Sixthly. The probability that, as regards the other tenth part, it would utterly fail to fulfil the promise of its preamble, in giving certainty to title, facilitating the proof thereof, and rendering the dealing with land more simple and economical.

On the first objection the petitioners offer numerous verbal criticisms which they give as instances, and proceed:—

23. THE SECOND OBJECTION.—*The litigation and expense in which, if the Bill were acted on, it would probably involve landowners.*

24. The course which, under clauses 11, 12, and 13, is to be taken when land is proposed to be registered, would in no small number of cases, where the boundaries of the land or the rights attached to the land, and affecting other lands, are to be established, be little less than an attack on the rights of the owners of all the adjoining lands; they would be put on their defence, and (however desirous not to be involved in litigation with their neighbour) might be compelled to contest claims, in order to preserve the integrity of their own estates.

25. As the law now stands, and in accordance with the long-established practice of conveyancing, a man deals with land on the strength of his own title or possession, and is not to be dispossessed of it, except where, in due course of litigation, another proves that his is the better title to it.

26. But under the bill, an applicant for the registration of "land" which (clause 134) comprises incorporeal hereditaments, might include, in the description of the land, a right of mining under, or of way or sporting over, or of draining through his neighbour's lands, or of fishing in his neighbour's streams; which right might, without the applicant being aware of the fact, have been exercised only by permission, under an agreement between former owners of the two lands; so that his claim of the right as absolute might, though not well founded, be made in good faith. The neighbour, having the agreement in his possession, relying on its sufficiency for his protection, and not suspecting that any Act of Parliament could contain provisions under which he could be deprived of his rights without his consent or knowledge, might neglect to appear before the registrar, and show cause against the applicant's claim. The applicant would thus obtain, at the expense of his neighbour, an absolute right, not on the strength of his own title to it, but merely because his neighbour had rested in fancied security on the strength of his title.

27. The attempt by the owner of a large long-descended family estate, much intermixed with other estates, to put it on the register, might stir up litigation between him and the owners of half of the other lands in the county.

28. It is almost needless to point out that these provisions would open a wide door to fraud, and that whenever the owner of the adjoining land was anxious to preserve his rights, he would be compelled to incur expense in investigating the applicant's claim, and in many cases in opposing it.

29. It is not consistent with justice that a landowner should be thus forced into a litigious contest with another, without provision being made for the payment of at least all the expenses unwillingly incurred by him in defending his rights; but the bill (clause 65) does not appear to contain any adequate provision for the purpose.

30. The question of expense is very material to the working of the scheme proposed by the bill. At present the purchaser actually pays the larger share of the expenses on a sale, and the vendor guards himself by special provisions against part of the expense to which he would otherwise be subjected. Virtually, however, the vendor bears almost all the expense, because the purchaser, in deciding on the price which he will pay, makes an allowance for his expected costs; but the vendor is not so conscious of the costs which he thus bears as he would be if he actually paid them.

31. Leaving all other objections out of consideration, the probability is that, except in a few cases; as where a large estate was to be sold in lots, the vendor would prefer to sell his estate under special conditions, as he now can, rather than involve himself in the expensive and possibly dilatory course of procedure which might be necessary for enabling him to sell it with a registered title.

32. It might not unfrequently happen that several years would elapse, and much litigation be gone through, between the time when an application for the registration of land was made, and the time when the registration was completed.

33. To induce landowners to avail themselves of an optional system of registration, there must be so obvious a benefit to be derived from it as to render it virtually compulsory. Where such an inducement to register is absent, a slight consideration of expense or trouble will be sufficient to deter them from registering.

34. THE THIRD OBJECTION.—*The impossibility of complying with some of the most important requirements of the bill.*

35. The conditions precedent to obtaining registration appear not only to involve expense, without an adequate return, but to require what is practically unattainable.

36. For instance, the applicant is (clause 8) to furnish to the Registrar "an exact description of the lands to be registered."

37. The word "lands," as interpreted (clause 134), includes incorporeal hereditaments, such as rights of way, of support to buildings, of underground drainage, rights to lights, to waters, rights of fishing, and many other easements and rights which are very seldom specifically described in deeds or wills, but are covered by what are called "general words" (commonly ending with such words as "rights, members, and appurtenances"), which for centuries have been used in deeds for the purpose of passing, with the land conveyed, all the incorporeal hereditaments which are in any way attached to the land.

38. Many of the ancient charters from the Crown, under which large private estates and corporation estates are now held, as well as almost all the deeds of conveyance or settlement which are now in force, contain these "general words;" and they are recognised by the courts of law and equity as being sufficient, without more specific description, to pass the incorporeal hereditaments (or "possessory rights," as they have been called) enjoyed by the successive owners of land.

39. The cases are probably very numerous in which the applicant for registration, even with the assistance of his legal adviser and his land agent, would be unable to specify all the possessory rights forming part of the lands to be registered.

40. In endeavouring to give an "exact description" of the possessory rights, the landowner would often be in the dilemma of claiming too much, and so forcing a contest on his neighbour; or claiming too little, and so abandoning part of his property.

41. Clause 10 requires that "the identity of the lands with the parcels or descriptions contained in the title-deeds shall be fully established." In a very large number of cases this is absolutely impossible, especially where the estate exceeds a few hundred acres.

42. The task of precisely identifying lands intended to be sold with the descriptions in the title-deeds is often so hopeless, that it is of daily occurrence that lands are offered for sale, and sold, with a special condition precluding the purchasers from requiring strict proof of identity.

43. The outer boundary of an estate may remain unaltered for several generations, but it rarely happens that some alteration of the internal fences is not made in the course of the period for which the title is to be deduced. It is also of constant occurrence that, even where the outer boundary is not

altered, the admeasurement of the lands given in one of the title deeds differs from their admeasurement as given in another of the title deeds.

44. In such cases as these, and in many other cases, purchasers have to be content with such an approach to identification of the lands purchased, with the lands described in the title deeds, as raises a strong presumption, but no more, that the lands which they have bought, and of which the vendor or his tenants are in possession, are the lands to which the title deeds show that he is entitled.

45. This strong presumption, coupled with possession of the land, is, in the present state of the law, found to be sufficient; and it is a grave objection to the bill that it requires more than is necessary, and what can rarely be given.

46. The objections to which the proposed "land certificate" (clause 76) are open are stated below. They form part of this third objection to the bill.

47. **THE FOURTH OBJECTION.**—*The contravention by the bill of some of the well-known and long-established rules of law relating to landed property.*

48. Several of the rules so contravened have been already referred to; the most important of them being, that a man is to rely on the strength of his own title, and not on the weakness of his neighbour's.

49. Recent legislation has abolished what were called "tortious assurances," such as fines and feoffments, by which it was possible for a man to make, under some circumstances, a valid assurance of land which belonged to another. A landowner is now perfectly indifferent to his neighbour's doings in conveyancing, because he knows that whatever deeds his neighbour may execute, his own estate is safe so long as he is in possession of it. But, as has been shown above, this conscious security is to be destroyed; for the proceedings to obtain the registration of land may, and often must, amount to a hostile attack on the owners of all adjoining lands.

50. Under the operation of the bill, applicants for registration might require rights at the expense of their neighbours, without making them any compensation.

51. Clause 7 seems to make the outstanding of a legal estate which cannot be got in "matter of title," it now being merely "matter of conveyance."

52. Clauses 8 and 10 would seem to deprive "general words" of the effect which they have had for more than ten centuries, and to limit the rights of a landowner to those few of his rights which he can, first, describe with absolute exactness, and next, identify with the (possibly non-existent) description of them in his title deeds.

53. The Court of Chancery is to be authorised (clauses 39 to 45), even in the possible absence of persons interested, to make a declaration of title, by which they may be deprived of their rights without compensation. The attempt made by some of these clauses to guard against this risk is wholly insufficient. The old rule, that "none but parties and privies shall be bound," is disregarded.

54. Clause D, page 19, line 33, is to enact a wholly new law with respect to stamps. The law now is, that an instrument not properly stamped cannot be given in evidence, but that it operates notwithstanding its want of a stamp; and on this want being supplied, the deed has full effect from the time of its execution. This clause is to prevent the instrument having any effect, not only until it is duly stamped, but also until the registrar is satisfied that the stamp duty is duly paid.

55. Under this clause, a landowner, by a deed duly stamped, might make a settlement of his land on his family; but as it could not have any effect until it had been submitted to the registrar, and he had approved the stamp, the death of the settlor in the meantime might render the settlement a nullity, and give all the land to the settlor's heir-at-law.

56. By the present law there is an appeal from the Inland Revenue to the Court of Exchequer on all stamp questions; but the bill gives no appeal from the registrar, however erroneous his decision might be.

57. If it were replied that this clause is particularly within the privilege of your honourable House, the answer would be, that its terms do not the less indicate a disregard of the present law, and a needless alteration of the principles of justice and convenience on which it rests.

58. **THE FIFTH OBJECTION.**—*That if the Bill were passed into a law as it now stands, it would, as regards the registration of at least nine-tenths of the land of England, be a dead letter.*

59. It is, of course, impossible to prove this position, but

there are strong reasons for believing that it is not an exaggeration.

60. Experience shows that where a bill for the amendment of the law has been submitted to a fair examination by leading lawyers, and due consideration has been paid to their comments on it, the measure has worked fairly; partly, no doubt, because their goodwill having been attracted to it, their bias has been in its favour. On the other hand, bills brought in without these advantages have proved to be failures.

61. For instance, the Act of 1845, for shortening leases, which was all but universally condemned by the legal profession, is scarcely more than a dead letter, while the Common Law Procedure Acts of 1852 and 1854, which were carefully considered and approved by legal practitioners before they were enacted, have worked admirably. In like manner, the recent Acts which have tended so much to improve the practice of the Court of Chancery were the result of the careful consideration and suggestions of both branches of the legal profession.

62. But there is a case so nearly in point that it may be taken as almost conclusive for establishing this fifth objection to the bill.

63. In the year 1859 the Legislature of British Honduras passed an Act (22 Vict. c. 18) "For Simplifying the Title to Lands in British Honduras." There had been a system of registration of lands in the settlement, but it had not been duly kept up, and it was found necessary to amend it. The Act established a new system of registration, which was based on the proposals submitted to the select committee of your honourable House, to which reference has already (6) been made. The owners of more than a million acres of land in the settlement were most anxious to avail themselves of the provisions of the Act. They began by applying for the registration of one lot of land. An official, whose duty it was to assist in carrying the Act into execution, took a step which rendered the landowners doubtful whether they might not be involved in litigation. They therefore withdrew their application at once, and the Act became a dead letter. Down to the latest period to which the information received by your petitioners extends not another application for registration under the Act had been made.

64. Owners of land in England, the interests in and the rights attached to which are often very complicated, are not likely to be less sensitively apprehensive of being involved in litigation than owners of land in British Honduras, where little else is known than fee-simple and rack-rent tenancies.

65. **THE SIXTH OBJECTION.**—*The probability that, as regards the other tenth of the land, the Bill would fail to fulfil the promise of its preamble in giving certainty to the title, facilitating the proof thereof, and rendering the dealing with the land more simple and economical.*

66. This sixth objection is to some extent a repetition of what has been already stated, but it involves considerations which are ignored by the bill, although they are at the root of its subject-matter.

67. The title to land depends on evidence of three kinds:—

First. Documentary evidence.—The charters, deeds, wills, and other written documents by which the land has from time to time been disposed of, and in which it is described, as (for instance), "All that close of land called The Croft, containing by estimation 16 acres or thereabouts, situate in the parish of Dale."

Secondly. Parol evidence.—The testimony of persons cognizant of the facts, whereby (for instance) a piece of land in the parish of Dale, which on accurate survey is found to contain 14a. 2r. 7p., is identified with the piece of land which is described in the written instrument. The most experienced surveyor, going for the first time into the parish to survey The Croft, with nothing to guide him to it but that written description, could not find it without the addition of the parol evidence, which he obtains by asking, "Which is the way to The Croft, and where is it?"

Thirdly. Possessory evidence.—the testimony which, by occupation or user of the land, or of a right connected with the land, shows that the land or the right belongs to a given person.

There may be two crofts, each of about the same quantity, in the parish. The surveyor, therefore, adds to his inquiry, "I mean Mr. John Doe's Croft;" and when he has arrived at the field, he satisfies himself, by inquiries of the occupier, that he holds it under Mr. John Doe.



These three pieces of evidence together are generally sufficient for showing the title to a definite piece of land.

68. But there are many cases of rights (as, for instance, a right to enclose waste land by the sides of highways, a right of fishing, a right of common, a freeboard way, a right of sporting over another man's land) with respect to which the documentary evidence is vague or imperfect, and the title has to be shown chiefly by possessory evidence, showing the present or recent actual exercise of the right claimed; and parol evidence, showing that the right has been exercised for so long a time as is necessary to establish that the title to it is indisputable.

69. The title to many of these possessory rights grows up imperceptibly. For instance, a man builds a house at the edge of his land, with windows overlooking his neighbour's land. The neighbour, if he please, may build a house or other erection on the edge of his land, and so prevent the access of light through those windows. But if the neighbour suffers the windows to remain unobstructed for twenty years, the owner of the house then acquires an absolute easement of light to the windows.

70. Unless the general law under which landed property is held were completely altered, no system of registration that could be devised could get rid of these three sorts of evidence, or, to any appreciable extent, lessen the necessity for parol evidence and possessory evidence, in support of the title to land.

71. Parol evidence and possessory evidence have the advantage of being unobtrusive and uncumbrous.

72. Documentary evidence, on the contrary, is constantly accumulating and becoming burdensome, and therefore it is that a system of registration by which the amount of documentary evidence requisite for showing the title to land may be reduced to its minimum is desirable. The bill would fail to attain this object.

73. The proposal to have a "land certificate" (clause 72) is theoretically plausible, but no one who is acquainted with the practice of conveyancing would expect that the land certificate would be more than an addition to the ordinary documentary evidence which is to be registered.

74. It is one of the oldest rules, that for arriving at the construction of a deed, "all that is within the four corners of a deed must be considered;" and unless it were enacted that the land certificate, however erroneous, should be substituted for the title-deeds, not only no legal practitioner, but no judge of any court, would rely on the land certificate, if the title-deeds themselves could be produced and examined.

75. The land certificate would therefore be a supernumerary title deed.

76. Clause 14 requires that there shall be entered on the record of title, in "concise" terms, an "exact" record of all estates, powers, and interests in the land, &c.; and clause 30 requires the addition to the register of everything in any way affecting the land. Verbose and tautologous as many deeds are, easily as many words might have been spared while the deeds were in preparation, when once the words have authority given to them by signature and seal, it would be difficult for the ablest lawyer to say how many of them could be struck out of the deed with absolute certainty that the deed, thereby reduced in length, would, in every contingency, have exactly the same effect as the deed untouched.

77. The applicant for registration might be willing that the registry should state in "concise" terms the estates, powers, or interests adverse to those of the applicant, but he would insist on his own being stated with sufficient fullness. In all cases in which the applicant was honest, and the registrar did his duty, the statement on the record would be little less voluminous than the deed itself.

78. It is not clearly ascertainable from the bill whether, by the omission from the land certificate of any possessory or other right, the omitted right would be lost, or whether the landowner might, by other evidence, prove his title to it. In the one case the land certificate would be worth little more than an abstract of title; in the other, it would be the sole title deed, and therefore ought to be an exact transcript of every title deed in force.

79. Conciseness is to be attained, not by enacting that a document shall be "concise," but by making conciseness the practical interest as well as duty of conveyancers. Your petitioners have great satisfaction in referring to clause 126, as containing the germ of what they hope may be an amendment of the law which will insure conciseness in all legal documents.

80. At present legal practitioners are almost compelled by

Act of Parliament to be verbose. They are paid for their services in preparing legal instruments mainly in proportion to the length of the instruments. They are blamed for indulging in length, when the law says that the value of their services shall be estimated by the number of words that they use, and makes illegal an agreement that their services shall be estimated by any other standard.

81. The bill is not a bill for the registration of assurances, such as the last bill for that purpose, which passed the House of Lords in 1853, and was rejected by the select committee of the House of Commons to which it was referred.

82. It is not a bill for the registration of title, with reference to facilitating the sale and transfer of land, such as the bill that was proposed by the commission which was appointed on the recommendation of that select committee.

83. It is not a bill for rendering land easily and cheaply transferable, like Consols, or ships, or railway stock.

84. It is not a bill for giving (what is called) a Parliamentary title to land in England, such as can be obtained by means of the Encumbered Estates Court in Ireland.

85. *The bill mixes up an imperfect registration of title with an imperfect registration of assurances, and substitutes a new and cumbrous system with a large staff of officers for an old and cumbrous system without them.*

86. Your petitioners believe that a scheme for registration of titles, based on the recommendations of the registration commission of 1854, might be adopted with a fair prospect of its realising the promise which is held out by the preamble to the bill now before your honourable House, but could not be fulfilled by its provisions.

Your petitioners therefore pray that the pending bill may not be passed into a law as it now stands, but that it may be so amended as to give effect to the recommendations of the Registration Commission of 1854, by establishing a registration of titles to land.

## Law Students' Journal.

### INTERMEDIATE EXAMINATION UNDER 23 & 24 VICT. c. 127, s. 9.

The elementary works, in addition to book-keeping, selected for the intermediate examination of persons under articles of clerkship executed after the 1st of January, 1861, for the year 1863, are—

The Second Book of Stephen's Commentaries, founded on Blackstone, comprising the Rights of Property. 4th Edition. 1858.

F. O. Haynes' Outlines of Equity. 1858.

J. W. Smith's Elementary View of an Action at Law. 7th Edition, by Prentice. 1860.

## Public Companies.

### BILLS IN PARLIAMENT

#### FOR THE FORMATION OF NEW LINES OF RAILWAY IN ENGLAND AND WALES.

The following bills have been read a third time and passed the House of Lords:—

BALA AND DOLGELLY.

BURTON-UPON-TRENT.

CORWEN AND BALA.

OLDHAM, ASHTON-UNDER-LYNE, AND GUIDE JUNCTION.

TONBRIDGE AND DARTFORD.

VALE OF CHOYD.

## General Orders.

### CHANCERY.

#### ACCOUNTANT GENERAL'S OFFICE.

June 4, 1862.

Whereas it is proper that the accounts kept by the Accountant-General of this court should be examined and compared in order to settle the same: and whereas it will require considerable time to perfect such examination, and it is necessary that a time should be appointed for closing the books of accounts of the said Accountant-General for the purposes aforesaid, I do order, that the books of the said Accountant-General be closed

from and after Tuesday, the 19th day of August next, to Tuesday, the 28th day of October next, inclusive, excepting upon the days and for the purposes hereinafter mentioned, in order to adjust the accounts of the suitors with the books kept at the Bank; and that during that time no draft for any money, except as hereinafter provided, or certificate for any effects under the care and direction of this Court, be signed or delivered out by the Accountant-General, or any stocks or annuities accepted or transferred by him relating to the suitors of this court. And that no purchase, sale, or transfer be made by the said Accountant-General, unless the order and request or registrar's certificate be left at his office on or before Wednesday, the 6th day of August next. And that no order for payment of any money out of court, which may be then in court be received in the Accountant-General's office after Friday, the 8th day of August next. Provided, nevertheless, that the office of the said Accountant-General shall be open on Wednesday, the 15th, Thursday, the 16th, and Friday, the 17th, days of October next, for the delivery out of any regular interest drafts which have become payable in respect of the October dividends, and of any other regular interest drafts which shall have become payable during the closing of the office as aforesaid. And to the end that the suitors may have notice hereof and apply to the Court, as there shall be occasion, to have money paid to them out of the Bank, or stocks, or annuities, transferred to them before the 19th day of August next, I do order that this order be entered and set up in the several offices of this court. (Signed) WESTBURY, C.

#### Death.

PEACOCK—On the 19th inst., at his residence, Southwood, Highgate, Mark Beauchamp Peacock, Esq., Solicitor to the General Post Office, aged 68.

#### London Gazettes.

##### Professional Partnerships Dissolved.

FRIDAY, June 20, 1862.

Burgon & Newman, Attorneys and Solicitors, 23 Martin's-lane, Cannon-street, London. By mutual consent. April 26.

TUESDAY, June 24, 1862.

Buttery, John Hopkinson, & David William Heath, Nottingham, Attorneys and Solicitors. Feb. 8.  
Freston, Charles, William Ranson Turner, & Richard Eydon Garrett, Attorneys and Solicitors, 16 Water-lane, Great Tower-st, London (Freston, Turner, & Garrett). June 10. By mutual consent.

##### Windings-up of Joint Stock Companies.

TUESDAY, June 24, 1862.

UNLIMITED IN CHANCERY.

English Widow's Fund and General Life Assurance Association.—Order to wind up. June 14.

##### Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, June 20, 1862.

Anderson, George, late of Cumming-st, Pentonville, and formerly of Charlotte-ter, New-cut, Lambeth, Gent. Aug 1. Sol Meymott, 5 Albion-pl. Blackfriars-bridge.  
Brooks, Daniel, late of Bognor, Sussex, formerly of Biggleswade, Bedfordshire, Gent. Aug 6. Sol Hooper, Biggleswade, Beds.  
Dale, James, Newcastle-upon-Tyne. Sept 30. Sols Hodge & Harle, Newcastle-upon-Tyne.  
Dean, Peter Thomas, Sagar-st, Strangeways, Manchester, Bleacher. Aug 1. Sol Boote, Manchester.  
Guest, Augustus Frederick, Canford Manor, Dorset, Esq. Sept 20. Sols Bircham, Dalrymple, & Drake, 46 Parliament-st.  
Ward, Thomas, formerly of Silbury, and late of Qorndon, Leicestershire, Gent. Sept 29. Sols Cradock & Woolley, Loughborough.  
Wild, John, Nottingham, Lace Manufacturer. Dec 27. Sol Smith, Nottingham.

TUESDAY, June 24, 1862.

Butler, John, Duke-st, St George, Middlesex, Gent. Aug 1. Sol Geoghegan, 50 Lincoln's-inn-fields.  
Creswell, John, Castle Donington, Leicestershire, Innkeeper. July 31. Sol Towle, Jun, Castle Donington.  
Cummings, Harriot, Garden-st, Wakefield, Yorkshire, Widow. July 11. Sols Lees & Senior, Wakefield and Bradford.  
Fillinham, John Joseph Ashby, 8 Hanover-st, Walworth, Surrey, Gent. Aug 2. Sols Taylor, Hoare, & Taylor, 28 Great James-st, Bedford-row.  
Fraser, Eliza, 12 Sussex-sq, Hyde-pk, Middlesex, Widow. Aug 20. Sols Minet & Smith, 3 New Broad-st, London.  
Gompertz, Lewis, Kensington Oval, Lambeth, Surrey. Aug 1. Sols Shaen & Grant, Kennington-cross, Lambeth.  
Hendrie, Robert, 12 and 13 Tichborne-st, Haymarket, Middlesex, Perfumer. Aug 1. Sols Capron, Brabant, Capron, & Dalton, Saville-pl. New Burlington-st, London.  
Ladbury, Richard, Edgock, Inkberrow, Worcestershire, Gent. Aug 1. Sol Eades, Evesham.  
Robinson, Alice, formerly of Chute, Wilts, and afterwards of Ayton, Yorkshire, Spinster. July 21. Sol Day, 1 Queen-st, Mayfair.

Watkins, David, Caerphilly, Glamorganshire. July 25. Sol Williams, 7 Angell-st, Cardiff.

##### Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, June 20, 1862.

Allen, Mary, Mulsey Farm, Fulborough, Sussex, Widow. July 16. Allen v. Allen, M. R.  
Gibbins, John, Settle, Yorkshire, Manager of the Yorkshire Banking Company's Branch at Settle. July 18. M. R.  
Lynde, William John, Plaistow, Essex. July 10. Green v. Lynde, M. R.  
Pestugia, Pietro, Nice, France, and formerly 3 Greville-st, Hatton-garden, Holborn, Middlesex, Plate Glass Silverer. Aug 2. Pestugia v. Pestugia, V. C. Stuart.  
Whitehouse, John, West Bromwich, Ironmaster. July 14. Whitehouse v. Ryland, M. R.  
Williams, William, Chester, Tanner. July 21. Williams v. Howell, V. C. Stuart.  
Wood, Joseph, Banksfield, Leeds, Cloth Manufacturer. July 17. Horsfall v. Tattersall, M. R.

TUESDAY, June 24, 1862.

Chippendale, Augustus, 10 John-st, Adelphi, Middlesex, Navy Agent. July 15. Tucker v. Helder, V. C. Wood.  
Connop, Henry, Charleywood House, Charleywood, Herts, Esq. July 18. Connop v. Connop, M. R.  
Dowler, Joseph, 6 Great Piazza, Covent-garden, Westminster, Hair Dresser. July 9. Dowler v. Beaman, V. C. Stuart.  
Ewell, John, Coach and Horses Public House, Ring-cross, Holloway, Middlesex. July 16. Ewell v. Loader, M. R.  
Fryer, William, York-cottage, Epsom, Surrey, and Smithfield-bars, London, Tobacco Manufacturer. July 21. Fryer v. Watt, M. R.  
Mathew, Maria Sepha, Greenwich, Kent, Spinster. July 14. Mathew v. Mathew, M. R.  
Norman, Eliza, Beccles, Suffolk. July 16. Wilkins v. Grant, M. R.  
Simpson, Maria, Litchfield, Staffordshire, Spinster. July 12. Hollist v. Simpson, V. C. Stuart.  
Tolley, Edwin, Martha-st, Charles-st, St George, Middlesex, Gent. July 8. Tootie v. Tolley, M. R.

##### Assignments for Benefit of Creditors.

TUESDAY, June 24, 1862.

Dell, James, Devonport, Painter. June 19. Sol Chapman, Devonport.  
Flemers, George, Nayland, Suffolk, Corn Chandler. June 14. Sol Daniell, Nayland.  
Hollidge, Edward, & Edward Jackson Hollidge, Kingston-upon-Hull, Tea Dealers. June 17. Sols Holden & Sons, Kingston-upon-Hull.  
Owen, John, Tregle, Anglesey, Shop Keeper. June 20. Sol Hughes, Holyhead.

##### Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, June 20, 1862.

Ainger, James, Witham, Essex, Grocer. May 22. Assignment. Reg. June 18.  
Arnsby, George, Irthlingborough, Northamptonshire, Shoe Manufacturer. May 23. Assignment. Reg. June 18.  
Barlow, John, Manchester, Dyer. May 23. Assignment. Reg. June 20.  
Beales, Samuel, Sudell-st, Manchester, Bookseller. May 21. Assignment. Reg. June 17.  
Bielki, Joseph, & Charles Bielki, Cardiff, Outfitters. June 6. Assignment. Reg. June 20.  
Bristow, George, 43, St. Mary's Butts, Reading, Berks, Basket Maker. June 6. Assignment. Reg. June 17.  
Brookes, George Henry, Henry Bloor, & Thomas Wood, Congleton, Cheshire, Ribbon Manufacturers. May 31. Assignment. Reg. June 19.  
Cant, William Charles, & Emma Sophia Salmon, Great Oakley, Essex, Grocers. June 3. Assignment. Reg. June 16.  
Clarke, Charles Henry, Aldine-chambers, Paternoster-row, Publisher. May 20. Composition. Reg. June 17.  
Cole, Cornelius Cornock, sen., Little Hoaten, St. Iahmaels, Pembrokeshire, Farmer. May 26. Conveyance. Reg. June 16.  
Fenton, William Samuel, Cockfield, Suffolk, Maltster. May 28. Conveyance. Reg. June 17.  
Geary, Elijah, Peggs-green, Thringstone, Leicestershire, Shopkeeper. May 27. Assignment. Reg. June 18.  
Jones, George, Maidstone, Bootmaker. May 30. Conveyance. Reg. June 19.  
Matthews, Herbert, Sunderland, Draper. June 2. Composition. Reg. June 17.  
Pollitt, James, Hooley-hill, Ashton-under-Lyne, Lancashire, Shopkeeper. May 23. Assignment. Reg. June 18.  
Porter, Godfrey Mann, Leeds-rd, Bradford, Grocer. May 24. Assignment. Reg. June 17.  
Rackham, William Matthias, Norwich, Chemist. May 26. Assignment. Reg. June 18.  
Read, Charles Grey, Newport, Isle of Wight, Attorney's Clerk. June 5. Conveyance. Reg. June 18.  
Reform, Francis, Belper, Derbyshire, Grocer. June 9. Conveyance. Reg. June 17.  
Riley, William, Milton Keynes, Buckinghamshire, Farmer. May 27. Assignment. Reg. June 20.  
Ross, Patrick Campbell, 33 Great St. Helen's, London, Commission Agent. May 24. Assignment. Reg. June 20.  
Shipley, Henry, Booth-st West, Chorlton-upon-Medlock, Manchester, Beerhouse Keeper. May 21. Composition. Reg. June 18.  
Smith, Joseph, Morley, Bailey, Yorkshire, Cloth Manufacturer. May 20. Assignment. Reg. June 17.  
Southes, Thomas Edwin, 74 Newman-st, Oxford-st, Middlesex, Author. May 31. Conveyance. Reg. June 19.  
Thompson, Isaac Edward, Liverpool, Tea Dealer. June 4. Inspectorship. Reg. June 18.  
Tucker, George, King William-st, London, Lamp Manufacturer. May 27. Assignment. Reg. June 18.  
Withers, George Aaron, Kent-cottage, East Molesey, Surrey, Ice Merchant. May 26. Assignment. Reg. June 20.

## TUESDAY, JUNE 24, 1862.

Audaer, Septimus, Scarborough, Yorkshire, Stonemason. June 13. Assignment. Reg June 23.  
 Beacham, James Henry, Bath, General Dealer. May 30. Assignment. Reg June 21.  
 Barkitt, John, Castle Dorrington, Leicestershire, Mercer. May 30. Assignment. Reg June 23.  
 Busbridge, William Law, Riverhead, near Sevenoaks, Kent, Bootmaker May 23. Conveyance. Reg June 20.  
 Everest, Henry, Rayleigh, Essex, Grocer. May 28. Assignment. Reg June 23.  
 Finlayson, Alexander Vaughan, Liverpool, Merchant. May 26. Conveyance. Reg June 21.  
 Goolen, Thomas, Waterloo, Great Crosby, Lancashire, Joiner. June 19 Assignment. Reg June 24.  
 Greenhow, Edward, Chapel-st, Salford, Lancashire, Leather Dealer. May 26. Assignment. Reg June 21.  
 Hand, Thomas, Sproton, Leicestershire, Wheelwright. May 27. Assignment. Reg June 24.  
 Harvey, James, Jun, Weston-super-Mare, Somersetshire, Builder. June 2. Conveyance. Reg June 24.  
 Keyes, James, Newport, Monmouthshire, Corn Merchant. May 24. Assignment. Reg June 20.  
 Mackay, John, Liverpool, Merchant. June 3. Conveyance. Reg June 24.  
 Mew, George Owen, Newport, Isle of Wight, Wine Merchant. May 31. Assignment. Reg June 23.  
 Parkinson, George, Sherburn, and of D Pit, near Fence Houses, Durham, Grocer. May 27. Composition. Reg June 20.  
 Pullan, James, & Frederick Pullan, Beeston, Yorkshire, Masons. June 5. Assignment. Reg June 20.  
 Robert, John Philip Joseph, Hallgarth-st, Durham, Assistant to a Hairdresser. May 29. Assignment. Reg June 20.  
 Sands, Thomas Branson, 3 Sun-ct, Cornhill, Merchant. June 18. Conveyance. Reg June 24.  
 Sansom, William Draper, Chorley, Lancashire, Innkeeper. June 11. Assignment. Reg June 21.  
 Sharp, Louis, Manchester, Silk Weaver. June 6. Assignment. Reg June 21.  
 Smith, Joseph, Keighley, Yorkshire, Grocer. June 3. Assignment. Reg June 21.  
 Smith, Christopher, Wolverhampton, Staffordshire, Paper Merchant. May 27. Assignment. Reg June 23.  
 Steele, Thomas, Victoria-st, Congleton, Cheshire, Ribbon Manufacturer. June 17. Assignment. Reg June 23.  
 Watson, William John, Archway-cottage, Holloway, Middlesex, Builder. June 12. Conveyance. Reg June 21.  
 Woodward, John William Baines, & John Stevens, Irchester, Northamptonshire, Grocers. June 4. Conveyance. Reg June 20.  
 Wright, Joseph, Jun, Leeds, Cloth Finisher. June 10. Assignment. Reg June 23.

## BANKRUPTS.

FRIDAY, JUNE 30, 1862.

Allen, William Edwin, of Her Majesty's Ship Victory, Portsmouth, Assistant Paymaster in the Royal Navy. Pet June 14. Portsmouth, July 15 at 11.30. Sol Stening, Portsea.  
 Alston, William, London-rd, Strood, Kent, Linen Draper. Pet June 17. London, June 30 at 2. Sols Harrison & Lewis, 6 Old Jewry, and Martin, Strood.  
 Anderson, William, 3 Green's-ter, Lower-rd, Rotherhithe, Surrey, Clerk in the Commercial Dock. Pet June 17. London, July 8 at 10. Sol Chipperfield, 3 Trinity-st, Southwark.  
 Ballard, Charles, 2 New-ter, Cambridge-heath, Hackney, Boot and Shoe Manufacturer. Pet June 16 (in forma pauperis). London, July 7 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.  
 Barleymann, Charles, Kevelton, Essex, Tailor. Pet June 16. London, June 30 at 12. Sol Duffield, 30 Cornhill.  
 Barons, Adelaide Louisa Wakeham, Totnes, Devonshire, Widow. Pet June 14. Totnes, June 30 at 11. Sol Michellmore, Newton Abbott.  
 Bean, Benjamin, Ulleskelf, Yorkshire, Farmer. Pet June 17. Leeds, July 7 at 11. Sol Simpson, Leeds.  
 Bellamy, John, Bentley, Hampshire, Gent. Pet June 12. London, July 1 at 11. Sol Shiers, 2 New-inn, Strand.  
 Birchley, William, Leigh, Worcestershire, Brickmaker. Pet June 18. Birmingham, July 4 at 12. Sol Corles, Worcester.  
 Brown, Joseph Thomas, Coventry, Watch Manufacturer. June 10. Coventry, July 1 at 12. Sol Kilbury, Banbury.  
 Bridgen, George, Birmingham, Wood Turner. Pet June 16. Birmingham, July 4 at 12. Sol Parry, Birmingham.  
 Browne, John Benson, Newcastle-under-Lyme, Staffordshire, Mineral Merchant. Pet June 12. Birmingham, June 30 at 12. Sol Parry, Birmingham.  
 Charlton, George, Hartley-row, Southampton, Builder. Pet June 16. London, July 7 at 12. Sol Lott, 44 Parliament-st.  
 Childs, John, Mansfield, Nottinghamshire, Butcher. Pet June 18. Mansfield, July 7 at 11. Sol Ashwell, Nottingham.  
 Clark, Robert, 22 Portland-st, Elswick-lane, Labourer. Pet June 17. Newcastle, July 5 at 11. Sol Johnston, 2 Collingwood-st, Newcastle-upon-Tyne.  
 Cleminson, John, Farnley, Leeds, Foreman Engineer. Pet June 18. Leeds, July 3 at 12. Sols Terry & Watson, Bradford.  
 Cochran, John, Jun, Liverpool, Ironmonger. Pet June 14. Liverpool, July 3 at 11. Sol Tyndale, 8 North John-st, Liverpool.  
 Cowell, Bartholomew, Windmill-hills, Gateshead, Durham, Manager of a Public House. June 17. Newcastle-upon-Tyne, July 4 at 1. Sol Hoyle, Newcastle-upon-Tyne.  
 Daniel, James, St Thomas, Swansea, Glamorganshire, Shipwright. Pet June 14. Swansea, July 10 at 3. Sol Trip, Swansea.  
 Downtown, Henry, King-st, Hammersmith, Middlesex, Cheesemonger. Pet June 16. London, June 30 at 3. Sols Lawrence, Plevs, & Boyer, 14 Old Jewry-chambers.  
 Dunn, Robert Parke, Black-hill, Durham, Publican. June 11. Newcastle-upon-Tyne, July 3 at 1. Sol Hoyle, Newcastle-upon-Tyne.  
 Durrant, James, Stoke Holy Cross, Norfolk, Artificial Food Manufacturer. Pet June 16. Norwich, June 30 at 11. Sol Emerson, Norwich.  
 Edwards, Ezekiel, Birmingham, Woollen Draper. Pet June 16. Birmingham, July 4 at 12. Sols Mitten and Smith, Birmingham.  
 Elliott, James, 16 King-st, Hammersmith, Green-grocer. Pet June 16 (in forma pauperis). London, July 7 at 11. Sol Aldridge & Bromley, 46 Moorgate-st.  
 Evans, William, Cardigan. June 11. Bristol, July 4 at 11. Sol Brittan, Bristol.  
 Farley, Samuel, Birch-lane, Dukinfield, Cheshire, Grocer. Pet June 19. Ashton-under-Lyne, July 3 at 11. Sol Rawlinson, 6 Mount-st, Manchester.  
 Finley, Richard, Pelton, Durham, Schoolmaster. Pet June 10 (in forma pauperis). Durham, July 1 at 12. Sols Thompson & Lisle, Durham.  
 Fitzgerald, Thomas, 6 Parker-st, Drury-lane, Middlesex, Labourer. Pet June 17 (in forma pauperis). London, July 7 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.  
 Gawne, John, 43 Princes-st, Landport, Superannuated Gunner. Pet June 16. Portsmouth, July 15 at 12. Sol Paffard, Portsea.  
 Gerhold, Nicholas, 15 West-lane, Rotherhithe, Surrey, Baker. Pet June 16. London, June 30 at 2. Sol Drake, 13 Gresham-st.  
 Griier, Ignatz, 26 Andover-rd, Hornsey, Middlesex, Willow Bonnet Manufacturer. Pet June 17. London, July 5 at 10. Sol Holt, Quality-ct.  
 Gloyn, John Fox, Manchester, Accountant. Pet June 12. Manchester, July 2 at 12. Sols Higson & Robinson, Cross-st, Manchester.  
 Goodman, Louis, 3 Watling-st, Manchester, Cap Manufacturer. Pet June 16. Manchester, July 1 at 11. Sol Store, Fountain-st, Manchester.  
 Goodwin, Medmer George, 24 Hanover-st, Warwick-sq, Pimlico, Middlesex, Clerk. Pet June 13. London, June 30 at 1. Sol Holt, Quality-ct.  
 Hadfield, George, Bootle, Liverpool, Engineer. Pet June 16. Liverpool, July 4 at 11.  
 Hailley, Edward, Claxhugh, Hylton, Durham. Pet June 10 (in forma pauperis). Durham, July 1 at 12. Sols Thompson & Lisle, Durham.  
 Hands, Jane, Birmingham, Widow, Licensed Victualler. Pet June 18. Birmingham, July 14 at 12. Sol Parry, Birmingham.  
 Harrison, Joseph, Britannia-st, Bradford, Manager. Pet June 17. Bradford, July 11 at 10.30. Sol Harle, Bradford.  
 Heydon, John, 11 King Edward's-pl, Birmingham, Retailer of Ales, &c. Pet June 16. Birmingham, June 30 at 12. Sol East, Birmingham.  
 Hermann, Gottlieb John, 2 Jubilee-pl, King's-rd, Chelsea, Middlesex, Professor of Music. Pet June 16. London, July 4 at 1. Sol Davies, 9 Union-ct, Old Broad-st.  
 Holden, Charles, Walsall, Staffordshire, Tailor. Pet. Walsall, July 1 at 11. Sol Duignan, Walsall.  
 Hourd, Thomas, Barkstone, Leicestershire, Licensed Hawker. Pet June 17. Bingham, July 1 at 1. Sol Buttery, Bingham.  
 Hulk, William, sen, Coventry, Journeyman Weaver. Pet June 10. Coventry, July 1 at 12. Sol Kilby, Banbury.  
 Jolley, Thomas, Leicester, Pork Butcher. Pet June 25. Leicester, July 2 at 10. Sol Haxley, Belvoir-st, Leicester.  
 Johnson, Francis, Well-lane, Beverley, East Riding, Yorkshire, Builder. Pet June 13. Beverley, June 40 at 11. Sol Pettigall, Kingston-upon-Hull.  
 Jones, Evan, Havodynogish, Llansainttrear, Cardiganshire. June 12. Bristol, July 4 at 11. Sol Brittan, Bristol.  
 Jones, Isaac, 22 Upper Gifford-st, Caledonian-rd, Islington, Middlesex, Cowkeeper. Pet June 16 (in forma pauperis). London, June 30 at 3. Sol Aldridge, 46 Moorgate-st.  
 Jones, John, Gae do, Mold, Flintshire, Farmer. Pet June 10. Liverpool, July 4 at 12. Sols Evans, Son, & Sandys, Liverpool.  
 Keller, William, & Gustave Bertram, 28 Newmaa-st, Oxford-st, Travelling Bag Makers. Pet June 16. London, July 1 at 11.30. Sols Venning & Co, Tokenhouse-yd.  
 Kerly, John Hampden, 29a Percival-st, Clerkenwell, Middlesex, Lapidary. Pet June 16. London, July 8 at 10. Sols Boulton & Scns, 21a Northampton-sq, Clerkenwell.  
 Kitchener, Samuel, Standlake, Oxfordshire, Cattle Dealer. Pet May 3. Witney, July 3 at 10. Sol Leo, Witney.  
 Laurence, Peter, 83 Foregate-st, Chester, Grocer. Pet June 17. Chester, July 2 at 10. Sol Cartwright, Bridge-st-row, Chester.  
 Lee, Henry, 122 Lambeth-walk, Surrey, Dairyman. Pet June 13 (in forma pauperis). London, June 30 at 1. Sol Aldridge, 46 Moorgate-st.  
 Long, William, 20 on the Tunnel, Crockherbtown, Cardiff, Cab Proprietor. Pet June 17. Bristol, July 3 at 11. Sols Clifton & Benson, Bristol, and Wilcocks, Cardiff.  
 Lucking, William Wright, Orchard-st, Portman-sq, Middlesex, House and Estate Agent. Pet June 16. London, July 8 at 12. Sol Leader, 27 Orchard-st, Portman-sq.  
 Marioni, Batista, 197 High-st, Borough, Surrey, Foreman to a Confectioner. Pet June 17. London, July 8 at 10. Sol Wells, 47 Moorgate-st.  
 Martin, William, Newport, Monmouthshire, Baker. Pet June 17. Bristol, July 3 at 11. Sols Llewellyn, Newport, and Brittan & Sons, Bristol.  
 Millwood, William John, 103 Drury-lane, Middlesex, Draper. Pet June 16. London, July 8 at 10. Sol Beard, 10 Basinghall-st.  
 Morphet, Charles William, Leeds. Pet June 17. Leeds, July 3 at 11. Sol Simpson, Leeds.  
 Naylor, Robert, Sunderland, Licensed Victualler. Pet June 7. Newcastle-upon-Tyne, July 3 at 1. Sol Hoyle, Newcastle-upon-Tyne.  
 Noble, Godfrey, 31 Swan-st, Manchester, Manager to an Innkeeper. Pet June 17. Manchester, July 7 at 12. Sols Chew & Son, Swan-st, Manchester.  
 Norminton, John, Deep Clough, Hadfield, Derbyshire, Shopkeeper. Pet June 9. Manchester, July 1 at 11. Sol Sutton, Brown-st, Manchester.  
 Oliver, Evan Augustus, 6 Sherborne-lane, London, Bill Broker. Pet June 16. London, July 1 at 11.30. Sol Neale, Pinners-hall, Old Broad-st.  
 Palmer, Henry, Bath, Somersetshire, Cabinet Manufacturer. Pet June 17. Bristol, July 3 at 11. Sols Payne, Bath, and Abbott, Lucas, & Leonard, Bristol.  
 Palmer, John, Strutton-ground, Westminster, Middlesex, Grocer. Pet June 15. London, July 7 at 11. Sol Philipps, 20 Coleman-st.  
 Peach, John Robert, 8 Moreton-ct West, Pimlico, Middlesex, Builder. Pet June 17 (in forma pauperis). London, July 4 at 1.30. Sol Aldridge 46 Moorgate-st.  
 Pickering, Thomas Alfred, 9 Pigott-st, Limehouse, Middlesex, Manure Dealer. Pet June 10. London, June 30 at 1. Sol Rogers, 70 Fenchurch-st.  
 Pilkington, Joe, 87 Lower Moss-lane, Hulme, Lancashire, Butcher. Pet June 17. Salford, July 5 at 10. Sol Stiles, Manchester.  
 Redstone, Susannah, Cowes, Isle of Wight, Fishmonger. Pet June 7. Southampton, July 16 at 12. Sol Eldridge, Southampton.  
 Richards, Richard, Hoyleke, Birkenhead, Cheshire, Shipowner. June 16. Liverpool, July 4 at 11.30.



- Richards, James, Chobham, Surrey, Grocer. Pet June 13. London, July 7 at 12. Sols Linklaters & Haeckwood, 7 Walbrook.
- Schofield, Mary, Hollingworth, Lancashire. Lodging-house Keeper. Pet June 18. Manchester, July 1 at 11. Sol Lamb, Cooper-st, Manchester.
- Shreeve, Henry Stacy, Great Tarmouth, Norfolk, Tailor. Pet June 12. London, June 30 at 2. Sol Hare, 1 Mitre-st, Temple.
- Stafford, William, Portland-avenue, Stamford-hill, Middlesex. Pet June 19. London, July 7 at 12. Sols Gibbs & Tucker, 3 Lodbury.
- Steer, John, Hayland, Barnsley, Yorkshire, Slater. June 12. Barnsley, July 3 at 2. Sol Mason, York.
- Stevenson, John, Tollhouse-hill, Derby-rd, Nottingham, Tinman. Pet June 18. Nottingham, July 16 at 10. Sol Heath, Nottingham.
- Storr, Henry, Broomspring-lane, Sheffield, Silversmith's Clerk, June 14. Sheffield, July 4 at 2. Sol Binney, Sheffield.
- Tainton, Charles, Worcester, Bookbinder. Pet June 16. Birmingham, June 30 at 12. Sols Wilson, Worcester, and Webb, Birmingham.
- Thomas, Leyshon, Neath, Glamorganshire, Iron Moulder. June 16. Bristol, July 4 at 11. Sol Brittan, Bristol.
- Thompson, George Alfred, 45 Ewer-st, Southwark, Brush Maker. Pet June 14. London, July 4 at 1. Sol Carr, 7 South-g, Gray's-inn.
- Weymouth, Henry, 10 Maze-pond, Southwark, Surrey, Shipowner. Pet June 17. London, July 1 at 12. Sol Carr, 25 Hood-lane, City.
- TUESDAY, June 24, 1862.**
- Ainsley, Eliza Truman, 1 Guildford-st, Cardiff. Pet (in forma pauperis) June 16. Cardiff, July 7 at 11. Sol Ennor, Cardiff.
- Allsopp, Joseph, Park-st, Derby, Joiner. Pet June 17. Derby, July 8 at 12. Sols Gamble & Leech, Derby.
- Anderson, James, Linthorpe-rd, Middlesbrough, Yorkshire, Picture Frame Dealer. Pet June 21. Stockton-on-Tees, July 8 at 3. Sol Griffin, Middlesbrough.
- Barrett, John, Guiseley, Yorkshire, Commission Agent. June 12. Leeds, July 4 at 11.
- Betts, Benjamin Frederick, 71 Edmand-st, Birmingham, Dairyman. Pet June 21. Birmingham, July 7 at 10. Sol Duke, Birmingham.
- Birley, Thomas, Sheffield, Pocket Blade Grinder. Pet June 23. Sheffield, July 9 at 12. Sol Patteson, Sheffield.
- Bolton, Ebenezer, 14 Weymouth-st, Portland-pl, Marylebone, Soda Water Manufacturer. Pet (in forma pauperis) June 20. London, July 7 at 1. Sols Aldridge & Bromley, 46 Moorgate-st.
- Brown, Jonathan, Tanners' Arms, Mead-rov, Godalming, Surrey, Licensed Victualler. Pet June 20. London, July 7 at 1. Sol Silverster, 18 Great Dover-st, Newington.
- Budworth, Thomas, 73 Copperas-hill, Liverpool, Furniture Broker. Pet June 21. Liverpool, July 8 at 3. Sol Samuell, Liverpool.
- Burdess, Adam, 65 Mount-st, Chapel-fields, Coventry, Watch Maker. Pet June 19. Coventry, July 8 at 12. Sol Smallbone, Coventry.
- Caley, Augustus Frederick, 39 Lee-st, Kingsland-rd, Middlesex, Commission Agent. Pet June 20. London, July 8 at 1.30. Sol Bartley, 4 Bartlett's-bldgs, Holborn.
- Carrington, William, Wotton, Nottinghamshire, Gardener. June 19. Nottingham, July 16 at 10. Sol Maple, Nottingham.
- Carter, Josiah, 1 Northport-st, Hoxton, New-town, Hoxton, Carpenter. Pet June 19. London, July 8 at 11. Sol Scott, 36 Southampton-bldgs, Chancery-lane.
- Cooke, Mary Emerson, Lloyd-st, Manchester. Pet June 19. Salford, July 5 at 10. Sol Gartside, Manchester.
- Crampton, William, jun., Chesterfield, Derbyshire, Dealer in Wood. Pet June 19. Market Hall, July 16 at 11. Sol Brown, Lincoln.
- Crinks, James, 1 Horton-st, Bristol, Porter. Pet June 21. Bristol, July 11 at 12. Sol Pigeon.
- Crofts, Albert Finney, 4 West-place, Chapel-st, Islington, Jeweller. Pet June 19. London, July 7 at 11. Sol Sidney, Circus-place, Finsbury.
- Dale, William James, Curry, Cornwall, Builder. Pet June 19. Exeter, July 9 at 12. Sols Grylla, Hill, & Hill, Heston, and Pitts, Exeter.
- Day, James, Ousden, Suffolk, Miller. Pet June 17. Newmarket, July 8 at 11. Sol Salmon, Bury St Edmunds, Suffolk.
- Dixon, William, Idle, Yorkshire, Quarryman. June 12. Leeds, July 4 at 11.
- Dormody, Thomas John, Knaphill, Woking, Surrey, Warder at the Knaphill Prison. Pet June 11. Guildford, July 5 at 10.30. Sol White, Dane's-inn, Strand, and Guildford.
- Downman, Henry Kidout, 2 Dartmouth-st, Westminster, Promoter of Public Companies. Pet June 20. London, July 8 at 2. Sols Peck & Downing, 10 Basinghall-st.
- Darber, Henry, Tunstall, Staffordshire, Omnibus Driver. Pet June 19. Hanley, July 12 at 11. Sol Cooper, Tunstall.
- Eastwood, Joseph, Top of Calderbrook, Rochdale, Lancashire, Stone Mason. Pet June 18. Rochdale, July 5 at 11. Sol Aldersworth, Rochdale.
- Edwards, John, 55 George-st, Etingehall New Village, Bilston, Staffordshire, Charter Master. Pet. Wolverhampton, July 7 at 12. Sol Walker, Wolverhampton.
- Ellis, George, Earby, Yorkshire, Railway Station Master. Pet June 18. Skipton, July 25 at 11. Sol Robinson, Settle.
- Elston, William Alfred, 11 Gloucester-st, Clerkenwell, Middlesex, Watch Dial Maker. Pet June 19. London, July 7 at 11. Sols Marshall & Son, 12 Hatton-garden.
- Evans, Evan, Nant, near Carmarthen, Auctioneer. Pet June 21. Bristol, July 8 at 11. Sol Treneyer, Bristol.
- Finch, Seipio, 3 Commercial-rd, Peckham, Cattle Salesman. June 21. London, July 8 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.
- George, John, River Side, Ironbridge, Merthyr Tydfil. June 11. Merthyr Tydfil, July 7 at 11.
- Gibson, Joseph, Huddersfield, Coal Merchant. Pet June 12. Huddersfield, July 10 at 10. Sol Dransfield, Huddersfield.
- Goaring, Joseph, Mosterton, Dorsetshire, Farmer. Pet June 21. Exeter, July 9 at 11. Sols Jolliffe, Crevkerne, and Floud, Exeter.
- Goodchild, John, Loning, Berks, Carpenter. Pet June 19. Reading, July 5 at 12. Sol Stacombe, Reading.
- Gosling, Walter, Church-st, Ackfeld, Sussex, Dealer in Grease. June 18. London, July 8 at 2.30. Sol Aldridge, 46 Moorgate-st.
- Griffiths, Elizabeth, Llanbrynmair, Montgomeryshire, Widow, Grocer. Pet June 21. Machynlleth, July 12 at 12. Sol Jones, Newtown.
- Griffiths, Joseph, 137 High-st, Merthyr Tydfil, Butcher. Pet June 20. Merthyr Tydfil, July 14 at 11. Sol Forwood, Merthyr Tydfil.
- Hart, George, High-st, Hythe, Kent, Baker. Pet June 17. Hythe, July 9 at 11. Sol Minter, Folkestone.
- Hayward, Francis James, 36 Manchester-st, Manchester-ag, Middlesex. June 21. London, July 8 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.
- Houlston, Thomas, Wrockwardine, Wellington, Salop, Collector of Rates. Pet June 21. Birmingham, July 18 at 12. Sols Knowles, Wellington, and Hodgson & Allen, Birmingham.
- Howard, George, Dogley-lane, Kirkburton, Yorkshire, Corn Miller. Pet June 13. Leeds, July 4 at 11. Sols Floyd & Leasroy, Huddersfield, and Bond & Barwick, Leeds.
- Howat, William Kor, 17 Russell-st, New Windsor, Berks, Agent. Pet June 18. Windsor, July 2 at 11. Sol Voules, Castle-st, Windsor.
- Humphreys, Robert, 55 Elizabeth-st, Liverpool, Contractor. June 19. Liverpool, July 5 at 11. Sols Evans, Son, & Sandys, Liverpool.
- Hunt, Edward Lewis, 21 Beacon-st, Great Howard-st, Liverpool, Grocer. Pet June 20. Liverpool, July 7 at 3. Sol Henry, Clayton-sq, Liverpool.
- Inaah, Elias, 24 Assembly-row, Mile End-rd, Middlesex, Manufacturer of Coloured Paper. Pet June 18. London, July 5 at 2. Sol Murray, 304 Great St. Helen's, London.
- Jackson, Charles, Nottingham, Map Dealer. Pet June 19. Nottingham, July 15 at 11. Sol Shilton, Nottingham.
- Jacobs, John, 1 Cambridge-rd, Mile End, Middlesex, Fish Dealer. Pet June 19. London, July 8 at 11. Sol Smith, 19 White Lion-st, Bishopsgate-st.
- Johnson, William Francis, 5 Bolton-st West, within Preston, Lancashire, Coal Merchant. Pet June 19. Preston, July 10 at 10. Sols Turner & Son, Preston.
- Jones, Richard, Tetlow-st, Walton-rd, Kirkdale, Lancashire, Joiner. Pet June 21. Liverpool, July 7 at 11. Sol Conway, York-buildings, 14 Dale-street, Liverpool.
- Jones, William, Felton, Herefordshire, Licensed Victualler. Pet June 20. Birmingham, July 7 at 12. Sol Parry, Birmingham.
- Kiernan, John, Dawley-green, Salop, Horse Dealer. Pet June 20. Madeley, July 12 at 12. Sol Knowles, Wellington.
- Kimpton, David, 9 Robert-st, Lower Marsh, Lambeth, Surrey, Upholsterer. June 20. London, July 8 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.
- King, John, 7 Bankfield-st, Liverpool, Joiner. June 19. Liverpool, July 5 at 11.30.
- Kirk, John, Kingthorpe, Apley, Lincolnshire, Farmer. Pet June 20. Lincoln, July 10 at 12. Sol Brown & Son, Lincoln.
- Larder, John, Eldon-st, Sheffield, Porter. Pet June 20. Sheffield, July 9 at 2. Sol Broadbent, Sheffield.
- Leech, John, Corser-st, Horsley-fields, Wolverhampton, Sheet Iron Roller. Pet. Wolverhampton, July 7 at 12. Sol Langman, Wolverhampton.
- Leech, Noah, High-st, Tipton, Staffordshire, Iron Roller. Pet June 20. Dudley, July 10 at 11. Sol Jackson, West Bromwich.
- Lewis, Thomas, Machynlleth, Machynlleth, Montgomeryshire, Coach Builder. Pet June 21. Machynlleth, July 12 at 12. Sol Jones, Machynlleth.
- Margoschia, Mandel, 64 Lower Cresce-st, Birmingham, Licensed Hawker. Pet June 20. Birmingham, July 7 at 10. Sol Duke, 13 Newhall-s, Birmingham.
- Matthews, Alfred Baker, Everley, Southampton, Grocer. Pet June 19. London, July 8 at 11.30. Sol Lott, 44 Parliament-st.
- Merrick, Henry Augustus, 79 Frederick-st, Caledonian-rd, Middlesex, Commission Agent's Clerk. Pet June 18. London, July 8 at 1.30. Sol Godfrey, 5 South-g, Gray's-inn.
- Morgan, David, Blackfield Cottage, Gellyfaelog, Dowlais, Merthyr Tydfil, Inspector of Works. Pet June 19. Merthyr Tydfil, July 7 at 12. Sol Ellys, Merthyr Tydfil.
- Nibbs, James Syson, Birmingham, Lamp Maker. Pet June 19. Birmingham, July 7 at 12. Sols James & Knight, Birmingham.
- O'Connor, Thomas, 223 Piccadilly, Cigar and Tobacco Dealer. Pet June 20. London, July 8 at 11. Sol Howell, 61 Chesapeake.
- Pacey, George, 6 Islington-row, Birmingham, Wine Merchant. Pet June 16 (in forma pauperis). Birmingham, July 7 at 12. Sols James & Knight, Birmingham.
- Parsons, John, Bewdley, Worcestershire, Licensed Victualler. Pet June 20. Birmingham, July 14 at 12. Sols Saunders & Son, Kidderminster, and James & Knight, Birmingham.
- Pearce, Joseph, Andover, jun., Union-place, Truro, Cornwall, Custom-house Officer. Pet June 21. Truro, July 12 at 12. Sol Marshall.
- Penny, George, Leicester, Victualler. Pet June 18. Nottingham, July 8 at 11. Sol Giles, Loughborough.
- Potter, William, Stourport, Worcestershire, Cab Proprietor. Pet June 16. Kidderminster, July 9 at 10. Sol Wilson, Worcester.
- Powell, Philip, 37 Coleshill-st, Pimlico, Carpet and Rug Cleaner. Pet June 21. London, July 7 at 1. Sol George, 5 Sise-lane, Bucklersbury.
- Pymon, John, Bury Saint Edmund's, Suffolk, Confectioner. Pet June 16. Bury Saint Edmund's, July 8 at 10. Sol Salmon, Bury Saint Edmund's.
- Raby, James, 6 Ockendon-rd, Southgate-rd, Middlesex, Builder. Pet June 17. London, July 7 at 12. Sols Lawrence, Smith, & Fawden, 12 Bread-st, Chesham.
- Radway, Jacob, 21 Windmill-st, Tottenham-court-rd, Middlesex, Baker. Pet June 21. London, July 8 at 12.30. Sol Layton, jun., 9 Church-row, Upper-st, Islington, Middlesex.
- Ratcliffe, John, 43 Sydney-place, Edge-hill, Lancashire, Builder. Pet June 19. Liverpool, July 5 at 11. Sols Evans, Son, & Sandys, Liverpool.
- Richards, John, Basford, Nottinghamshire. June 19. Nottingham, July 8 at 12. Sol Maples, Nottingham.
- Richards, Thomas, Litchurch, Derbyshire, Schoolmaster. Pet June 14. Derby, July 8 at 12. Sol Pickering, Derby.
- Riley, James, Huddersfield, Scribing Miller. Pet June 10. Huddersfield, July 10 at 10. Sol Leadbeater, Huddersfield.
- Roberts, Edward, Union-st, Huddersfield, Draper. Pet June 16. Huddersfield, July 10 at 10. Sol Sykes, Esq., Huddersfield.
- Roome, Samuel, Leek, Staffordshire, Labourer. Pet June 21. Birmingham, July 7 at 12. Sols Tenants, Hanley, and Smith, Birmingham.
- Schnorrnberg, Nicholas, 60 Mark-lane, London, Commission Merchant. Pet (in forma pauperis) June 16. London, July 8 at 12. Sol Aldridge, 46 Moorgate-st.
- Seaton, William, 41 Bolton-st, Bury, Lancashire, Draper. Pet June 20. Manchester, July 4 at 11. Sols Sutton, Manchester, and Anderton, Bury.
- Simpson, William, Witham, Essex, Shoemaker. Pet June 20. Maldon, July 10 at 12. Sol Stevens, Witham.
- Stevens, Richard Whitfield, Fairy-lane, Bury New-rd, Manchester, Dealer in Birmingham Goods. June 16. Manchester, July 7 at 12. Sol Gardner, Manchester.

Smith, Harriet, Trammere, Cheshire, Widow. June 10. Birkenhead. July 21 at 10.

Taberner, John Loude, 15 York-ter, Camberwell New-rd, Surrey. June 20. London, July 7 at 12. Sol Aldridge, 46 Moorgate-st.

Taylor, Richard, Alford, Lincolnshire, Innkeeper. Pet June 18. Spilsby, July 2 at 11. Sol Walker, Alford.

Thompson, William, Sheffield, Mason. Pet June 16. Leeds, July 5 at 10. Sol Fernell, Sheffield.

Thompson, Foster, Bank-st, Sheffield, Corn and Flour Dealer. June 12. Sheffield, July 5 at 10.

Townshend, Lord George Osborne, 18 Spring-ter, Marsh-gate, Richmond. June 20. London, July 8 at 2.30. Sol Aldridge, 46 Moorgate-st.

Twells, Robert Padley, 6 Camden-cottages, Camden-town, Middlesex, Gent. June 20. London, July 8 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.

Veal, James Roberts, 25 Bernard-st, Russell-sq, Middlesex, Buyer of Silks. Pet June 19. London, July 8 at 2.30. Sol Forsyth, 10 Lombard-st, City.

Wall, George, Penn-rd, Wolverhampton, Cattle Dealer. Pet. Wolverhampton, July 7 at 12. Sol Walker, Wolverhampton.

Wallis, Tyson, Kingston-upon-Hull, Grocer. Pet June 18. Kingston-upon-Hull, July 9 at 12. Sol Pettingell, Hull.

Ward, George, Edwinstowe, Nottinghamshire, Gamekeeper. Pet June 21. Worksop, July 5 at 10. Sol Appleton, Worksop.

Webster, George, Burgess-st, Sheffield, Bone Scale Cutter. June 12. Sheffield, July 5 at 10.

Wells, David, Berry-st, Great Sutton-st, Clerkenwell, Greengrocer. Pet June 18. London, July 7 at 11. Sol Holt, Quality-ct.

Western, Thomas, Port-rd, Carlisle, Cumberland, Butcher. Pet June 16. Carlisle, July 16 at 3. Sol Ostell, Carlisle.

Whitaker, Charles Henry, Midland-pl, Coventry-rd, Small Heath, Birmingham, Designer of Art Manufacturers. Pet June 19. Birmingham, July 7 at 10. Sols Hodgson & Allen, Waterloo-st, Birmingham.

Whittaker, John, 2 at the bottom of the Market-place, Halifax, Fruiterer. Pet June 19. Halifax, July 11 at 10. Sol Jobb, Halifax.

Widdowson, William Henry, 19 Pratt-st, Lambeth, Surrey, Clerk. Pet June 16. London, July 8 at 1. Sols Morris, Stone, Townson, & Morris, Moorgate-st Chambers.

Wilcockson, Herbert, 44 Goodge-ct, Tottenham-ct-rd, Middlesex, Proprietor of a Fancy Repository. Pet June 19. London, July 8 at 10. Sol Buchanan, 13 Basinghall-st.

Wilke, George, 4 Upper Queen's-bldgs, Brompton, Baker. Pet June 18. London, July 7 at 12. Sol Jukes, 19 Basinghall-st.

Williams, William, Carmarthen, Grocer. Pet June 21. Bristol, July 7 at 11. Sol Heaven, Bristol.

Wiliard, Thomas, Guildford, Surrey, Licensed Victualler. Pet June 11. Guildford, July 5 at 10. Sol White, Dane's-inn, Strand, and Guildford.

Winspear, John, Middleton, Hartlepool, Durham, Shipbuilder. Pet June 17. Newcastle-upon-Tyne, July 4 at 1. Sol Brignal, Durham.

Woodhouse, John, Brompton, Yorkshire, Wheelwright. Pet June 14. Bridlington, July 5 at 10. Sol Richardson, Bridlington.

Yardley, James, General Havelock Beer-shop, 1 Havelock-ter, Ilford, Essex, Beer-shop Keeper. Pet June 21. London, July 8 at 11. Sol Munday, 6 Essex-st, Strand.

## BANKRUPTCIES ANNULLED.

TUESDAY, June 24, 1862.

Guest, Robert, Bedford Brewery, Leigh, Lancashire, Brewer. June 4.

Johnson, Thomas, Northampton, Builder. June 3.

# PELICAN LIFE INSURANCE OFFICE,

ESTABLISHED IN 1797.

No. 70, Lombard-street, E.C., and 57, Charing Cross, S.W.

## DIRECTORS.

Octavius E. Coope, Esq. Henry Lancelot Holland, Esq.  
 William Cotton, Esq. D.C.L., F.R.S. William James Lancaster, Esq.  
 John Davis, Esq. John Lubbock, Esq., F.R.S.  
 Jas. A. Gordon, Esq., M.D., F.R.S. Benjamin Shaw, Esq.  
 Edward Hawkins, Jun., Esq. Matthew Whiting, Esq.  
 Kirkman D. Hodgson, Esq., M.P. M. Wyvill, Jun., Esq., M.P.

Robert Tucker, Secretary and Actuary.

EXAMPLES of the amount of Bonus awarded at the recent division of profits to Policies of £1,000 each, effected for the whole term of life at the undermentioned ages:—

Age when Assured.	Duration of Policy.	Bonus in Cash.	Bonus in Reversion.
20.	7 years	29 7 0	£ 66 0 0
	14 years	£ 36 2 0	73 10 0
	21 years	44 8 0	82 0 0
40	7 years	49 13 6	84 10 0
	14 years	61 2 0	95 10 0
	21 years	75 2 6	108 0 0
60	7 years	95 4 6	127 10 0
	14 years	117 2 6	144 10 0
	21 years	144 1 0	165 10 0

\*. For Prospectuses, Forms of Proposal, &c., apply at the Offices as above, or to any of the Company's Agents.

**OFFICE AND HOUSEHOLD FURNITURE**  
 of every description. Fire Proof Safes, all second Hand, by the most eminent makers, continually on sale. The largest stock in London at L. SOLOMON'S 10, Water-lane, Blackfriars, facing Apothecaries' Hall. Established 1832.

# LAW FIRE INSURANCE SOCIETY,

Chancery-lane, London.

SUBSCRIBED CAPITAL, £5,000,000.

## TRUSTEES.

The Right Hon. LORD CHELMSFORD.  
 The Right Hon. LORD TRURO.  
 The Right Hon. the LORD CHIEF BARON.  
 The Right Hon. the LORD JUSTICE Sir J. L. KNIGHT BRUCE.  
 The Right Hon. the LORD JUSTICE Sir G. J. TURNER.  
 The Right Hon. JOHN ROBERT MOWBRAY, M.P.  
 WILLIAM BROUGHAM, Esq.

Insurances expiring at Midsummer should be renewed within 15 days thereafter, at the Offices of the Society, or with any of its agents throughout the country.

This Society holds itself responsible, under its fire policy, for any damage done by explosion of gas.

E. BLAKE BEAL, Secretary.

# ALBERT MEDICAL and FAMILY ENDOWMENT LIFE ASSURANCE COMPANY.

Principal Office 7, Waterloo-place, London.

Branch Offices—At Calcutta, Madras, Bombay, Agra, and Hong Kong, with agencies throughout the United Kingdom.

POSITION, INCOME, AND PROGRESS, OF THE COMPANY.

The accumulated assets exceed ..... £550,000  
 The subscribed capital ..... 500,000  
 The annual income from life premiums exceeds ..... 250,000  
 The policy claims and bonuses paid to claimants about ..... 1,000,000

The new business is progressing at the rate of about £25,000 per annum.

The Company contracts the following description of business:—Life Assurance on Healthy and Diseased Lives, Annuities and Endowments of all kinds, India Risk Assurances, and Guarantee business; and confers upon Insurers great facilities and advantages, coupled with perfect security.

Special and peculiar features have been adopted, in order to render the Company's Policies additionally valuable as securities, and to offer to the insured means whereby their policies may be saved from forfeiture.

Prospectuses, forms of proposal for Assurance, and every information, may be obtained on application to any of the Society's Agents; or to the Secretary, at 7, Waterloo-place, London, S.W., to whom applications for agencies in places not efficiently represented may be addressed.

FRANK EASUM, Secretary.

## REVERSIONS AND ANNUITIES.

# LAW REVERSIONARY INTEREST SOCIETY,

68, CHANCERY LANE, LONDON.

CHAIRMAN—Russell Gurney, Esq., Q.C., Recorder of London.

DEPUTY-CHAIRMAN—Nassau W. Senior, Esq., late Master in Chancery.

Reversions and Life Interests purchased: Immediate and Deferred Annuities granted in exchange for Reversionary and Contingent Interests.

Annuities, Immediate, Deferred, and Contingent, and also Endowments granted on favourable terms.

Prospectuses and Forms of Proposal, and all further information, may be at the Office.

C. B. CLABON, Secretary.

**SLACK'S SILVER ELECTRO PLATE** is a coating of pure Silver over Nickel. A combination of two metals possessing such valuable properties renders it in appearance and wear equal to Sterling Silver.

	Fiddle Pattern.	Thread.	King's
	£ s. d.	£ s. d.	£ s. d.
Table Forks, per doz.....	1 10 0 and 1 18 0	2 8 0	3 0 0
Dessert ditto .....	1 0 0 and 1 10 0	1 15 0	2 2 0
Table Spoons .....	1 10 0 and 1 18 0	2 8 0	3 0 0
Dessert ditto .....	1 0 0 and 1 10 0	1 15 0	2 2 0
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